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A  
COMPLETE INVESTIGATION  
OF  
Mr. EDEN's TREATY.

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By J. J. [illegible] [illegible] [illegible]

1820

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COMPLETION

Mr. [illegible]



A  
COMPLETE INVESTIGATION  
OF  
Mr. EDEN's TREATY,  
AS IT MAY AFFECT  
THE COMMERCE, THE REVENUE,  
OR  
THE GENERAL POLICY  
OF  
*G R E A T B R I T A I N.*

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M D C C L X X X V I I.

COMPLETE INVESTIGATION

MR. EDEN'S TREATY



THE COMMONS

THE GENERAL PRINCIPLE

OF THE BRITISH

DUBLIN

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**COMPLETE INVESTIGATION**

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**MR. EDEN'S TREATY.**

**T**HE Treaty, which it is the object of these Remarks fairly and candidly to discuss, will be readily allowed by every person at all intelligent in the Commercial or Political Systems of this country, to contain regulations at once new and important. Their novelty will be an excuse for a jealous, though impartial investigation; and the magnitude of their object will be a justification for the minuteness or elaboration of detail, in which an enquiry of this sort demands to be involved.

Some of the oldest habits which have prevailed in this country will receive a new direction by the operation of this Treaty; many of its useful superstitions will be shaken, and its most fixed principles subverted. It is not meant to be contended that the opinions of our ancestors are infallible, or that innovation is always criminal; but this much will surely be acceded to us, That of all the subjects upon which the human judgement can possibly be exercised, there is none which so much demands that its principles should be deduced from fact, and be sanctioned by experience (in cases, that is to say, like the present where fact and experience are practicable to be obtained) as commerce. It will at least, therefore, be considered as a first presumption against the wisdom of a new scheme of commercial regulation, if it should be found to militate not only against the traditional theories of our forefathers, for that would be of less consequence, though not totally to be despised, but the settled habits of their practice. It will be held perhaps to be something more than a mere presumption against the prudence of such an innovation, if it should further appear that upon the observance of that particular principle, which it immediately tends

tends to destroy, has uniformly depended the wealth, industry, and commercial prosperity of the country.

It will be the object therefore of a few of the ensuing pages to demonstrate this position from history, That in the proportion as the trade between England and France has been open or shut, have the interests of English commerce flourished or declined.

It was not till the reign of the *Stuarts*, however unpropitious their principles threatened to be to the political or constitutional government of the country, that the commerce of England began to prevail to any considerable degree;—it flourished under the disturbances of these turbulent times, because in the midst of internal conflict and disorder, many salutary regulations were made respecting it.—Amongst these, a free trade with France was certainly not of the number; on the contrary, the ports of both countries were mutually shut to each other, and all commercial intercourse was to the full as severely interdicted as it remains at this day.



After the Restoration, when French manners, fashions, and principles were introduced by Charles the Second, the idea of a trade with that country became the prevalent caprice of the day, and was encouraged with infinite zeal, by the profound assemblage of gay politicians that surrounded that prince. About the year 1675, however, the attention of the nation was seriously called to the state of its commerce by a very remarkable circumstance, which alarmed all the statesmen in the country, and which is taken notice of by all the writers of that period, viz. a universal fall in the landed estates all over England. After an accurate investigation into the causes of this event, one remarkable fact presented itself to the observation of such as had taken the pains of the enquiry, that the trade with France had grown to such an extravagant extent in articles of mere luxury, and the balance of exports and imports so enormously against England, that the drain had become more than the nation was able to sustain, and had proved the real source of the evil complained of, an evil which had not only operated a vast diminution of our commerce, but a most alarming danger to the more immediate and vital interest of the empire,

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the Landed Property. Many able merchants drew up a state of the trade between England and France, as it stood in the year 1674, which is still to be found in the books of the Custom-house, and which was prepared by order of the Commissioners for concluding a Treaty of Commerce with France.

They state, that the value of all the goods exported to France from England amounted to 171,021 6 0  
While the value of the imports from France amounted to the enormous sum of 1,136,150 4 0

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Balance against England £. 965,128 18 0

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These Commissioners, who appear to have been men that understood the nature of the duty to which they had been delegated, and were determined to execute, with virtue and patriotism, the object of an appointment which they comprehended with perspicuity and precision, conclude their report thus :

“ By the above account, your Lordships will perceive that the linen and silk manufactures only, imported from France, amount to



to upwards of eight hundred thousand pounds; and the manufactures of wool and silk exported from England thither, do not amount to eighty-five thousand pounds.—As also all other commodities of the product and manufactures of England exported into France, do not amount to ninety thousand pounds more. Whereas the wines, brandies, and other commodities of the product and manufactures of France imported into England, amount to upwards of three hundred and twenty thousand pounds, besides an incredible value of toys, rich apparel, point lace, &c. So that it is apparent that the exports of our native commodities and manufactures to France, are less in value by at least one million of pounds sterling, than the native commodities and manufactures of France, which we receive from them.”—*Com. Jour.* vol. 17, p. 423.

Notwithstanding, however, the above alarming representation, yet such was the King's determined partiality towards France, to use a phrase, certainly not the most descriptive of the fact, but the least offensive to the delicacy, which is by some conceived to belong to the discussion of the regal character, that a Treaty of Commerce was concluded between that  
country

country and England, which so far from turning out to the advantage of the latter, only tended to increase the evils already complained of. *Anderson*, in his valuable History of Commerce, states, that the balance against England in its trade with France, increased to the amount of 1,330,000*l.* exclusive of 600,000*l.* annually run, or smuggled in upon us.

Imports from France,	—	1,500,000
Exports,	— —	170,000
		<hr/>
		£. 1,330,000
		<hr/>

“ And thus,” says he, “ all our grave laws against the exportation of specie, when the balance of trade is against us, is but hedging in the cuckow.”

Luckily for the pride of England, the parliament and the people did not entirely sympathize in the devotion of their monarch.—They had no motive of resisting the influence of facts ;—they beheld with a natural alarm, the dangers to which they were exposed, and urged their sense of it with a commendable vehemence ;

vehemence; the voice of the multitude when exercised on the side of truth, is not to be opposed for ever. Accordingly, in the ensuing year, after the ratification of the Treaty, namely in 1678, we find the Commons uniting in the general sense of the public. They came to a vote declaring, "the trade with France detrimental to the kingdom;" and soon after an act was passed, expressly prohibitory of the trade with France, to which was prefixed the following preamble:

"Forasmuch as it hath been by long experience found that the importing French wines, brandy, linen, silks, salts, and paper, and other commodities of the growth, product, or manufactures of the territories and dominions of the French king, hath much exhausted the treasure of this nation, lessened the value of the native commodities, and manufactures thereof, and caused great detriment to this kingdom in general."—

That this spirited interposition on the part of the parliament, so directly in hostility with all the views and wishes of the court, was not made before the circumstances of the country made it indispensibly necessary,

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is easily deducible from the concurrent testimony of all the co-temporary writers. I shall content myself with *Anderson's* comment upon this reprobated intercourse with France, who relates the result of it in this short but emphatical description :

“ THE FOREIGN TRADE OF ENGLAND LANQUISHED, AND THE RENTS FELL.”

From the period of the prohibition, which has been just mentioned, our trade again revived, and that not by the slow operation of time and gradual improvement, but rapidly and at once. The balance became again in our favour, and so continued, with a triumphant success, equally beneficial to the country, and insulting to the corrupt inclinations of the court, till the year 1685, the beginning of the reign of James the II<sup>d</sup>. who again determined to renew the whole train of experienced mischiefs consequent on an open trade with France. In this inauspicious year, the prohibition of 1677 was repealed, and the commerce between the countries was again laid open. It is not the purpose of these Remarks to comment upon the inducements which prevailed

vailed with James the 1<sup>st</sup>. to resume this pernicious policy. It is sufficient to relate the fact, and to repeat again the same tale of an instantaneous influx of evils proceeding from it. The measure was no sooner adopted than the French commerce advanced, as if by enchantment, to a magnitude superior even to what it had ever attained at any other period of similar indulgence. France had begun by this time to be conscious of the advantages of her own situation, and of the immense obligations which <sup>she</sup> ~~we~~ owed to nature. The minister of Louis had not been inattentive to the cultivation of them. This policy co-operated with the imprudence of the government of this country, in making the last advance of her commerce not only somewhat more sudden, but more extensive than any other progression which it had ever before experienced. The very first year after the trade was opened, as appears by accounts laid before the House of Commons, the imports entered at the Custom-house amounted to the enormous sum of

£. 1,284,419 10 3

Goods clandestinely import-

ed, 428,139 16 9

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1,712,559 7 0

While



While the exports amounted only to the sum of 515,228 14 3

Loss to England - 1,197,330 12 9

At a medium of three years, the importation from France amounted to the sum of 1,460,000*l.* exclusive of wine and brandy. Fortunately, for this country, as well for its commerce as for its internal policy, this fatal system ended with all the other projects of James the II*d.* and the same year which restored freedom to the constitution by seating William the III. upon the throne, gave new life to commerce by a renovation of the prohibitions upon the import of French goods. And indeed most highly necessary had it become that the old and beneficial system of the country should be reverted to, for our rivals had spared no exertion of art or industry to maintain that superiority which their climate, the cheapness of their labour, and the plenty of their raw materials gave them. Councils of Commerce, consisting of the most experienced traders, were formed in every part of France, and every encouragement which experience could suggest, or power could give effect to,

was presented to the manufacturers. It is to these institutions co-operating with their natural advantages, that one of our most intelligent authors ascribes, " the almost surprising increase of the commerce, woollen manufactures, mercantile shipping, and foreign colonies of France."

The commerce between the two countries remained in this state of reciprocal prohibition till the year 1713, when in the adjustment of a treaty of peace at Utrecht, conducted under the direction of that able minister, *Monf. de Torcy*, a new attempt was made to introduce the favourite system of France, an open trade with England. This experiment passed upon the ignorance of the English negociator, but was not equally successful with the parliament and the people.

The reader will not complain of the length of the above narrative, when he reflects upon the importance of its tendency. It proves beyond all power of contradiction, because upon the basis of actual history, and the authority of official documents, the constant alternations of success or ruin to our commerce, as the trade of France was shut or open. Till a better criterion can be instituted for determining



mining upon the probability of the *future*, than a reference to the *past*, it will not be denied, that some use is to be derived from such a review as that which has just been taken.

In reply to this narrative, if it should be suggested, that the avenues to a reciprocal commerce between the two countries may be said to have been opened by the treaty of Utrecht, which was never *in toto* annulled, let it be remembered that, though the whole of that treaty was never entirely abrogated, yet that the commercial part of it never had any existence at all.

That, the general body of the inhabitants of this country were content with the refusal given by the House of Commons to the admission of the 8th and 9th articles of the treaty, and having triumphed in the rejection of the parts principally objectionable, were less anxious to pursue it, through its less offensive detail.

That from the intervention of long and bitter hostilities between the two countries, and by the neglect of the legislature of Great Britain to pass such laws as were necessary for giving entire effect to several stipulations of the treaty, it has been seldom acted upon, and in conduct often directly contravened.

Let

Let it be remembered also, that it is one thing to suffer the dead letter of a treaty to remain, of which the country might avail itself in cases of particular exigency, and another to revive its efficient operation, and to extend its spirit.

But above all let it not be forgotten, that many of the points which will be found to contain the most substantial grounds both of alarming novelty, and direct and evident injury in the present treaty, had no existence at all in its presumed prototype, the treaty of Utrecht.\*

That under the treaty of Utrecht there was a direct and express prohibition by statute

\* By the treaty of Utrecht the tariff of 1664 was to be established as the tariff, payable upon English goods going to France, except in so far as related to certain goods which were to pay the tariff of 1699.

But when French goods came to this country, England was only obliged to repeal such prohibitions or high duties as were peculiarly laid upon French goods, posterior to the year 1664.

Therefore all goods prohibited prior to that period, continued to be so under the treaty of Utrecht.

France insisted, that a tariff should be made in England similar to that of 1664 in France, by which the duties

tute against the importation of French woollens into this country.

That

duties and prohibitions should have been reciprocal in the two countries. Lord Bolingbrooke treated the idea of a reciprocal tariff with disdain. Vide, Report of the Committee of Secresy, p. 27.

Woollen goods of all sorts, harness and sadlery, hardware and cutlery are prohibited to be imported by acts passed, 12th Edw. III.—4th Edw. IV.—1st Rich. III.—5th. Eliz.—1st Cha. I.—16th Cha. I.——All these must be repealed under the present treaty, and would all have continued in force under the treaty of Utrecht.

By the tariff 1664, these articles paid upon their entry into France the following duties:

	Liv. S.
Hardware of copper, -	6 0 per Cwt.
Hardware of iron, -	1 12
All sorts of cutlery, turnery, &c. comprehended in French under the name of mercerie, -	4 0
Sadlery and harness 5 per cent. ad valorem.	

The tariff 1664 in France was calculated upon a principle of 5 per cent. being the amount of the duty upon every article contained in it. Mr. Eden's tariff is above double in every instance.

Even the excepted species, broad cloth, by the tariff 1699, would have had to pay only 55 livres per piece of 25 aunes in length by 5 quarters wide.—

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That English woollens might have been imported into France at a duty of  $10\frac{1}{2}$  per cent.

The French aune is  $46\frac{2}{7}$  inches English, which makes the length of the piece 32 yards  $3\frac{4}{7}$  inches, and the breadth  $57\frac{1}{4}$ .

This makes the piece equal nearly to a piece of English broad cloth of  $30\frac{1}{2}$  yards long, which at 17s. a yard, is per piece 25l. 10s. od.

And valuing the livre at one shilling, its value at the signing the treaty of Utrecht, the duty upon broad cloth would not have amounted to above  $10\frac{5}{8}$  per Cent.

As the French coin has undergone a variety of alterations, it may be for the information of the reader to subjoin a state of its value at different periods.

	Liv.	S.
In the year 1668 the mark of silver was valued at	26	0
Colbert altered it to	28	0
In the year 1709 it was valued at	40	0
In September, 1713, it was again reduced to	28	0
Between September, 1713, and August, 1715,		
the French coin changed its value eleven times,		
varying between 28 and 40 livres.		
In Jan. 1716 the value of the coin was fixed at	40	0
In the year 1730 the mark was valued at	49	0
At present it is valued at	48	9

Sir James Stewart informs us, that the mark is nearly equal to 40 of our shillings.

	s.	d.
The livre was therefore, in the year 1668,		
worth of our money,	1	$6\frac{2}{3}$
Colbert altered its value to	1	$5\frac{3}{4}$
In the year 1709, and at the time of signing the		
treaty of Utrecht, 11th of April, 1713, it		
was worth	1	0

per cent. which is only  $1\frac{1}{2}$  less than the duty under the present treaty, when the terms of the importation are reciprocal.

That the duty upon French Brandy was more than twelve times the amount of the internal duty then imposed upon our own Distilleries, whereas it is now little more than in the proportion of three to one.

That the Rum trade from our West India islands, which now produces a duty to this country of upwards of 400,000*l.* was then comparatively nothing, and presented therefore neither a source of essential defalcation to the revenue, nor of deep injury to individuals.

That French subjects were not only not permitted by that treaty to convert themselves into citizens of Britain by the mere act of passage, and to come into a participation of all the privileges conferred by the sanction of chartered rights, but were expressly prohibited so to do.

That the Hardware and Cutlery of France were positively prohibited coming into this country, while ours were importable there on a duty of one livre, 12 sous per cwt. whereas the present duty is 10 pounds *per cent. ad valorem*, even though the importation is mutual.

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That



That Harnes, and every article of Hosiery and Sadlery might have gone from England to France, paying only a duty of *5 per cent.* while their importation of similar articles stood directly and positively forbidden with England.

That by the treaty of Utrecht, the French engaged to abolish the farm of tobacco; or in other words, to give to our colonies the monopoly of their market; an immense advantage, for which, by this latter treaty, we have received no equivalent, nor seemed to expect a compensation.

That by the former treaty, cottons might have been sent from this country, upon a duty of *5 per cent.* while it rested with us to put what duty we pleased on the importation of French cottons; whereas the importation duty is now *12 per cent. ad valorem*, and the right reciprocal. That neither the letter nor the spirit of the Navigation act were at all infringed. And that the injurious distinction in favour of France, known by the name of *Droit d'Aubaine*, was specifically and unambiguously abrogated. Such are the differences between the two treaties, and such the increased motives for alarm that belong to that executed under the prudent auspices of Mr.

Eden.—

Eden. ——— Under the circumstances, then, which accompanied the original introduction of the treaty of Utrecht, and which have followed upon it subsequently it will appear, That it can with no justice be considered as containing any proof of the suspension of that settled and prescriptive abhorrence which the inhabitants of this country have entertained with respect to an open trade with France.—But if the instance were permitted to have an operation beyond what it can fairly claim, and what is only allowed it here for the sake of argument, it could only prove a disposition on the part of the English for *such a degree* of intercourse with the French as was permitted under the terms of that treaty, and could with no propriety be adduced as a sanction for the so much more enlarged, expanded, *liberal* amity of communication, which is extended to them under the influence of Mr. Eden's new system.

Was it weak superstition, or correct and well considered policy, that prevailed with our ancestors in this unremitting dislike to too near a contact with the French?

What answer can be given to such a question, but a reference to the events which have



taken place under it.—The French have sought for a century, with the exertion of every active and insidious policy, to accomplish this brotherly reciprocity of connection and friendship. The year 1787 will be the first period of their enjoyment of it.—Have they been urging this for so long a space of time, and we declining it, with a mutual ignorance on both parties, they of their own good, and we of our own danger?—The fact is, nations seldom err long in points that respect their own immediate advantage. Casual prejudice, or occasional incapacity in their rulers may mislead them for a time; but the regular influence of understanding and interest will prevail at last. That which has been anxiously desired by one power, and as vehemently refused by the other, through a variety of changes of government and of circumstances, which has been steadily pursued by every description of ministers in the one country, however repugnant in their general politics—and as uniformly resisted by every succession of disagreeing politicians in the other—is evidently to the advantage of the power which seeks, and to the injury of that which rejects: The uniform prevalence of such a sentiment, is the demonstration of experience

perience delivered through the medium of the united sense of both empires; and, if any thing can decide upon the direction of their respective interests, this must.

### TARIFF.

I shall proceed now to the consideration of that part of the treaty which is entirely commercial. The reader will be aware, that in the discussion of such a subject, a good deal of detail is necessary and unavoidable. No statement will be obtruded upon him here, which can be done without; but many it will be my indispensable duty to submit to him. Without these, he can neither know with any precision the extent and nature of the advantages which this country is represented as being likely to obtain from the present treaty, nor the degree of expence she is to pay for them, if obtained at all.

One obvious idea must present itself to the most careless observer on this department of the subject, namely, that the Four first articles of the tariff contain stipulations in favour of France, for which the most remote appearance of a reciprocal advantage is not so much as pretended. They stipulate in these articles to reserve to themselves

themselves the possession of our market for their Wines, their Brandies, their Vinegars, and their oils, which are all the staple produce of their own country, and in which, so far from having an equivalent advantage, we cannot have the most distant degree of competition. It would have been natural, in such a situation, for the minister of this country to have insisted upon some specific return, some permanent benefit, in compensation for such extraordinary concessions. The pretended principle of the treaty is reciprocity—how then is it, that, in the very commencement of it, we see no less than four distinct and capital advantages conferred, for which not only not an adequate return is made, but no return at all?

But it will be said, perhaps, the counterbalance to these advantages is received by us in the remaining part of the Tariff.—No such thing.—In every other part,—the Cottons, the Woollens, and every other article of trade, permitted by the treaty to be reciprocally imported, have the market of England opened to them upon the same terms on which the market of France is opened to the corresponding articles in England.—The superior benefit to either country, therefore, in these points, must, depend

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depend solely upon the advantages of their internal situation—such as cheapness of labour, cheapness of living, comparative exemption from taxes, &c.

With respect to these Four first articles, however, this is by no means the case.—They not only contain advantages for which no equivalent has been granted, but which are, in their nature, certain and permanent. An increase of industry on the part of the French, their cheaper labour, combining with a fresh addition of burthen on the part of the English, or with other casualties which it is impossible to foresee, and which in all ages of the world have made manufactures and commerce shift from one country to another, may, in a few years, deprive England of every pretence to superiority, which the sanguine and the partial are so fond of imputing to her now.—Other nations may rival her in the French market, and the French may rival her in her own.—But the advantages granted to France in her wines, brandies, and oils, are in their nature exposed to no instability either of caprice or competition:—they are the native produce of their land—they demand no skill in preparing —and

## TARIFF.

—and it is not therefore within the reach of accident to deprive her of them.

Is it to be mentioned as an excuse for these concessions in favour of France, that we have no article of native produce which we could have sent into France, in return for those of a similar nature sent here? This indeed is a fact; but it is no justification for the negociator of the peace, because the reciprocity might have been obtained in another way—He might have demanded some advantages to be extended to some particular branch of our manufactures.—He might have stipulated that our Hardware, or our Woollen, should have gone into their market at such a comparative inferiority of duty, as might have been thought sufficient to cover the advantage gained by the encouragement given to her wines and brandies, and have made the general principle, at least, if not the operation of the compact, reciprocal.

No man treated the pretended reciprocity of the Irish propositions with more ridicule than Mr. Eden. When the Minister proposed that English Linens should be admitted into Ireland upon the same duty on which Irish Linens were admitted into England, and that the Woollens of both countries should stand precisely upon the same footing,



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footing, the Negotiator was loud in his reprobation of such a doctrine of Reciprocity.—England neither does nor can manufacture Linen in any degree of comparison with the Irish linens—Ireland can and does manufacture Woollens. It was therefore a Mockery of England to tell her, that she might carry her Linens (*which she could not make*) to Ireland free from duty, because the Irish imported their's on the same terms into England—but that Woollen, which England *can* manufacture, should be subject to a duty of 10½*l. per cent.* because the Woollens of Ireland (which Ireland can also manufacture) were exposed to a like duty in England.

Mr. Eden contended, and contended unanswerably, that the only possible idea of equitable Reciprocity was this—that as England admitted the staple of Ireland free from duty, Ireland should admit the Staple of England upon the same terms.—What a misfortune it is that the Negotiator had not recollected his own reasoning, in a case where the application of it was so much stronger, and the necessity for the use of it so much more pressing than in the instance of Ireland!—The staple productions of France are in future to be admitted into England, upon duties which will effectually

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secure

## TARIFF.

secure to her the monopoly of our market:—for a counterbalance to which advantage, so extensive in its effect, so permanent in its duration, no one benefit of any kind is stipulated in favour of England.

But these indulgencies to France are not only to be censured in as much as they want fairness, or even as they affect the Revenue—there is another point of view in which they will appear to be equally reprehensible.—The policy which has hitherto directed the Councils of this country, with regard to such articles of consumption as could not be produced at home, has been either to encourage the consumption of similar articles of her colonial produce, (as rum, in preference to Brandy) or to encourage the consumption of the articles in question, from that country, which, in return, either afforded us a Vent for our manufactured produce, or supplied us with Raw materials, for the employment of our internal industry.

It was upon this principle, that the duty has been kept high on French brandy and French wines.—It was upon this principle, that it was low upon the wines of Spain and Portugal.—These two countries afford the principal market



## TARIFF.

ket for our woollens, and the produce of our Newfoundland fishery; and, in return, they send us Wool, Cotton, Cochineal, Indigo, Barrilla, and Dying Drugs.

In every national consideration, except partiality of taste, it is indifferent whether the wines of France, or of Spain or Portugal, be consumed in England.—But, if the Spaniard or Portuguese, in return for the preference given to his wine, takes his cloth from our manufacturer, and his food from our fisheries—if he sends us those articles without which our manufactures cannot subsist, and raw materials for the exercise of our national industry—there becomes a motive of sound and judicious policy for giving him our market, and for sacrificing an unimportant preference of taste, to the substantial consideration of a great public advantage.

To have a clear and comprehensive understanding, therefore, of all the consequences which may result from the indulgencies extended to France in the four first articles of the tariff, it will be necessary to take a review of the trade of this country with Portugal and Spain; and to examine, how far the Revenue, Com-

## TARIFF.

merce, or Policy of England, will be affected by the changes introduced into it by the new arrangement.

## THE TRADE WITH PORTUGAL.

## WINES.

The obvious and necessary effect of reducing the duty upon French wines, must be the entire loss of the high duty upon all that quantity which is at present imported into this country. The quantity of French wine imported, upon an average of the four last years, as appears by an account laid before parliament by Mr. Pitt, on the introduction of his wine bill, amounts to 400 tons annually.

The present French duty is 96*l.* 4*s.* 1*d.* which by the treaty is to be reduced to the duty now existing upon the wines of Portugal, that is, to 45*l.* 19*s.* 2*d.*—or, in other words, the present French duty is to be lowered precisely 50*l.* 4*s.* 11*d.* *per ton.*

This sum, multiplied by the average quantity imported, will yield no less an amount than 20,098*l.* 6*s.* 8*d.* loss of revenue, which  
is

## TARIFF.

## WINES.

is the first defalcation sustained by it under the operation of this treaty.

In every possible event this sum must be lost to the public, and will demand in some manner to be made good to the revenue.

If the quantity consumed of the respective wines of each country should remain precisely the same, then it is demonstrative, that the difference between the former and future duty upon the present quantity of French wines, 50l. 4s. 11d. per ton, upon four hundred tons, is entirely lost.

If, as is evidently intended by the Treaty, the quantity of French wine consumed here be encreased, still, as it will in future pay only the Portugal duty, the same sum is equally defalcated from the revenue.—In every alternative, therefore, this sum is gone.

But by the eighth article of the treaty, England reserves a power in favour of Portugal, of lowering the duty upon her wines to the proportion settled by the *Methuen* treaty; that is, to two thirds of that upon the wines of France, whatever it may be. If this power should

## TARIFF.

## WINES.

should not be exercised, it is easy to perceive England must relinquish all hope of a commercial intercourse with Portugal. The superior pleasantness and lightness of the French wines, the lowness of the freight, and, in many instances, the cheapness of the prime cost of the article itself, will soon give a decided preference to the wines of France. In this event, the revenue would be a loser to no greater extent than has been already mentioned. But the effects to the trade of the country would be truly alarming. We must prepare ourselves to expect prohibitions in Portugal upon the importation of our woollens, and the produce of our fisheries, and for the various other consequences of so important a revolution, which, though equally certain, are not with equal facility to be ascertained.

If, upon the other hand, this power should be exercised, and the reserved right of diminished duty upon Portugal wines should be actually carried into effect, then a new consequence arises to the revenue. This, indeed, must vary in the proportion of the quantity of Portugal wine which shall continue to be consumed in England. It is impossible to deter-

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## TARIFF.

## WINES.

mine at present, what the future changes in that consumption may be. We know, however, what it is at this time, and upon the supposition that it should remain the same, the following will be the loss to the revenue.

The present duty upon the wines of Portugal is 45*l.* 19*s.* 2*d.* per ton. One-third of this, which, by the Methuen treaty, is the stipulated reduction below the French duty, is 15*l.* 6*s.* 4*d.* per ton.

The quantity of Port wine imported, amounted, upon an average of the four last years, when the importation was rather falling off than otherwise, to 10,538 tons annually.

This number of tons, multiplied by the sum reduced upon each ton, that is, by 15*l.* 6*s.* 4*d.* will leave an amount of precisely 161,404*l.* 18*s.* 2*d.* which, added to the 20,098*l.* 6*s.* 8*d.* above-mentioned, makes the whole loss to the revenue upon this article of 181,503*l.* 4*s.* 10*d.*

It is hardly possible to suppose, under the present circumstances of the country, that it can be deliberately the intention of the minister



## TARIFF.

## WINES.

nister to reduce the annual quantum of the public purse by such an immense sum as the above; the more so, when it is considered, that it arises from an article which is, of all others, the most proper object of taxation—a mere luxury. It is in candour, therefore, to be presumed, that the intended effects which are wished by the minister to be produced by the operation of the treaty, are the encouraging the consumption of French wines, and the producing a consequent diminution of the consumption of those of Portugal.

A variety of circumstances concur to make this latter supposition extremely probable.

The consumption of Portugal wines has been encouraged in this country by a much greater difference of duty than we were bound by treaty to grant them; for though the stipulated difference of duty between the French and Portugal wines is only one-third, yet in point of actual practice, the duty of the former has always been nearly double that of the latter. For example, in 1768, when the duty upon French wines was 66l. per ton, the duty upon Portugal wine, might,  
under

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## WINES.

under the terms of the treaty, have stood at 44l. per ton, yet it was in fact only 29l. and in later years, when the French duty was 96l. 4s. 1d. the duty upon Portugal wines, which might have been as high as 64l. per ton, was no more than 45l. 19s. 2d. This proportion of difference has continued since the beginning of the century, and could not but have a most powerful effect in encouraging the consumption of Portugal wines.—How far a consumption which required to be kept up by such a difference of duty as 50l. per ton, will be protected by a difference only of 15l. 6s. 4d. is not easy to conceive. If it should be concluded, which may be done under the *terms* of the present treaty, that what has been practised under the *Methuen* treaty may still continue to prevail, and that the Portugal duties may be still diminished in the old proportion with respect to the wines of France, then let us see what will be the effect in that view of the subject to the Revenue. The future duty upon French wines is to be 45l. 19s. 2d. If the Portugal duties are to be regulated in the former proportion, that is, that they may be something short of being half, or, in other words, that they may be one-

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third,

## TARIFF.

## WINES.

third, and one-sixth, instead of being two-thirds of the French duty, then it will be fair to estimate the future duty upon Port at about 22l. per ton. This will evidently make a defalcation of one-sixth of the whole duty upon Portugal wine more to the revenue than was estimated in the former instance, (for then the defalcation was calculated on a reduction of one-third, and is now reckoned on the supposition of its being diminished one-sixth more) which will amount, upon the whole annual importation of Port wines, to the sum of 80,702l. 9s. 1d. and must be added to the other two sums I have already mentioned, to make up the whole of the annual loss sustained to the public by the operation of the treaty.

There are a great variety of pleasant and strong wines from the South of France, which have been hitherto prevented from making their way into England by the enormous duty which has been indiscriminately laid upon all the wines of that country. When 15l. per ton becomes the only difference of duty, will there not be great reason to expect, that they may be had in England much cheaper than the wines of Portugal?

Very

## TARIFF.

## WINES.

Very excellent Languedoc wine, of a strength nearly equal to Port, and of infinite variety in its colour and flavour, may be purchased upon the spot at 14l. per ton.

The prime cost of a pipe of Port is about 17l. or 34l. per ton.

If we add the proposed duties to these, the former will still be considerably cheaper than the latter. \*

		£.	s.	d.
New French duty	-	45	19	2
Prime cost per ton	- -	14	0	0
		<hr/>		
		59	19	2
		<hr/>		
New Portugal duty	- -	30	12	10
Prime cost per ton	- -	34	0	0
		<hr/>		
		64	12	10
		59	19	2
		<hr/>		
Difference of price altogether	-	4	13	8

To which is still farther to be added, the difference of freight and insurance between Oporto and Bourdeaux, which is considerable\*.

\* The French are also improving their advantages, by abolishing certain internal duties, which their wines have hitherto paid.

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## WINES.

It may however be argued, and has, indeed, been strongly asserted, that the taste of this country is so decidedly in favour of Port wine, that even the difference of 15*l.* per ton on the duty will be quite sufficient to continue the importation of it in quantities nearly equal to what prevail at present.

This reasoning necessarily admits a defalcation of the revenue, or a loss of duty to the utmost extent of what has been above stated; *i. e.* of one-third of the present duty upon the whole quantity at present imported, together with the loss upon the French duty, to the amount of 181,503*l.* *per annum*. But the principle is certainly contradictory, both to the supposition of the treaty itself, and also to such facts as history furnishes us with upon the subject.

The treaty clearly supposes the diminution of the duty upon the wines to be an advantage to France, by increasing their exportation of that article. It would have been idle in *Her* to have asked, and in *Us* to have granted, a reduction of duty, if her exportations were not chequed by the high duty at present subsisting upon them. As, however, our demand for wine is at present fully supplied, it is clear,



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## WINES.

clear, that whatever increased quantity of wine we in future take from France, exactly in that proportion must we diminish our imports of the same commodities from other countries.

The ground and basis, therefore, of the treaty is, that the French wine trade must encrease, and that of Portugal undergo a proportionable diminution.

I am enabled by a resort to history to form a very tolerable estimate of the degree of reliance there is to be placed upon a supposed preference of national taste in this country in Favour of the wines of Portugal.

The Journals of the House of Commons furnish us with an account of the importations of wine as they have stood at different periods, when the trade was open, when it was absolutely prohibited, or when it was loaded with high duties; and from them it is demonstrable, that national taste changed exactly in the proportion as the commodity was dear or cheap.

Tons.

From the year 1675 to the year 1678, the trade with France was open, and the importation of French wine, on an average, was

8535

During



## TARIFF.

## WINES.

From these facts, joined to the supposition admitted and justified by the article of the treaty itself, I am led to concur in the opinion which evidently prevailed with the negotiators of it, that the lowering the duties on Portugal wine one-third, will not prove, in any degree, a protection to the importers of them.

This, then, is the situation in which we stand, with respect to Portugal.—If the comparative consumption of the wines of that country and France remain exactly the same in Great Britain as it stands at present, the revenue will be injured to the amount of nearly 200,000*l.* *per annum.*

If, as is the much more probable alternative, the wines of France in their state of reduced duty, should drive the inferior ones of Portugal out of our market, the consequence will be the loss of the Portugal trade.

To this view of the subject I shall now proceed, and state such facts as may convince the public of its importance, and satisfy them how much we put to hazard by the probable effects of this indulgence to France.

The

*In 1689 Imported 11104*  
*579*

## TARIFF.

The trade to Portugal has varied at different times, either as the Portuguese succeeded in the encouragement of their own manufactures, or as we have been rivaled in their market by other nations. It consists principally at present in the exports of woollens, salt fish, toys, watches, and other articles of luxury and convenience; to these were formerly added, considerable quantities of hardware; but this last article has of late much fallen off, owing to our being underfold in the Portugal market by the Flemish manufacture of that article. This fact, which in a great measure accounts for the supposed decay of the Portugal trade, was distinctly in evidence before the House of Lords, by the oaths of several of the principal manufacturers, and particularly by that of the intelligent *Mr. Gibbons*.

The export to that country is still of magnitude sufficient to awaken the fears of every well-wisher to his country, under the casualty of its loss.

By the accounts of the Inspectors' Books the export of Great Britain to Portugal is now higher than it has been for some

## TARIFF.

some years. It amounted in the year 1785 to no less a sum than 796,225l. of which, by much, the greater part was woollens.

But the inspectors' books furnish a much more fallacious account of the Portugal trade at present than they formerly did, when it is supposed to have been much higher than it now is.

Formerly the export to Portugal was principally carried on from the port of London; but the high port duties upon wine, and the high fees of every sort payable there, together with the circumstance of the woollen manufacture changing its situation, and settling principally in Yorkshire, has made the ports of Liverpool and Hull equal to that of London in this trade. However accurate the account of exports and imports from the port of London may be, nothing can be less so than the account which is kept at the out ports, where all the articles are thrown together, without care or accuracy, into one general head. Thus while the inspectors' books state little more than 100,000l. as the account of our export to Portugal from all the out

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ports,



## TARIFF.

ports, it is a notorious fact, that the town of Wakefield alone sends woollens to the amount of double the sum, and that from eight to ten ships are cleared out from the port of Hull annually, which may be fairly reckoned worth from thirty to forty thousand pounds each.—From these considerations it is apparent, that the Portugal trade is of infinitely more importance than is generally believed, and that the conceived decline of it arises only from the accident of its having changed its locality from the port of London to the out ports, where, as I have said, the accounts are kept with much less precision and distinctness.

But even these facts will not show the full extent of the benefit of the Portugal trade. If any article of export can be more beneficial to Britain than the export of her staple, an article of the trade to Portugal, which appears in no custom-house account whatsoever, is that one. I mean the produce of the fishery, which is carried on directly from Newfoundland to Portugal, and is to be found in none of the estimates of our exports and imports.

To

## TARIFF.

To those who are not accustomed to consider the infinite importance of our fisheries, the extent of this article must appear enormous, no less than 600,000 quintals of fish were, in the year 1784, sent in British vessels to foreign states from Newfoundland; and of this quantity about one-third went to Portugal.

An account of the price of a quintal of fish at Lisbon.

	s.	d.
Prime cost at Newfoundland	10	0
Freight	5	0
Insurance on cost, and freight at 3 per cent.	0	5
Duty	3	9
Commission and charges	1	0
	<hr/>	
	£1	0 2

Of this sum the whole is paid to British subjects, excepting only the single article of port duty. The prime cost and freight are the prices of the labour of our fishermen and sailors, and the commission and charges are paid to British factors at Lisbon. The port duty, therefore, being deducted from the account,

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count,

*The Commission and  
Charges ought also to*

## TARIFF.

count, will leave a sum of 16*s.* 5*d.* which multiplied by the number of quintals, will make the whole amount of the produce of the fishery sold to Portugal, 164,066*l.* 13*s.* 6*d.* which, in considering the extent of the trade of that country, is to be added to every official representation derived from custom-house estimates.

With the addition, therefore, of this last branch of lucrative intercourse with Portugal, the whole value of our exports cannot, with any propriety, be estimated at less, than 1,200,000*l.* *per annum*; while our imports from thence have rarely amounted, in the same time, to above 350,000*l.* which leaves a balance of trade in our favour of 850,000*l.* *per annum*, arising from the export of goods which afford encouragement to our staple manufacture, and supplies a most powerful accession to the strength of our marine.

Except Wine, the only considerable article of our imports from Portugal is Cotton Wool, of a quality infinitely superior to that of any other part of the world. Of this we last year imported two millions of pounds.

It

## TARIFF.

It is impossible to expect that when, by the operation of the French treaty, the Wines of France assume the place of those of Portugal in the consumption of Britain, the Portuguese will continue to take from us any articles of our manufacture. French Woollens were till lately laid under prohibitory duties. Will she not have grounds for doing the same by those of Britain?

By the wisdom of the late treaty of peace which extended the fishery of France in Newfoundland, Portugal can be at no loss to supply herself with that necessary article, should she lay high duties upon the English trade; and every interest she has to indicate the least preference to this country is at an end, the moment we have ceased to reciprocate benefits, by the rejection of her wines.

It is demonstrative, therefore, that this is the choice of evils, in this case, out of which the minister is compelled to make his selection—He must either relinquish a revenue to the amount of 200,000*l. per annum*, or place in the utmost hazard, if not inevitable certainty of destruction, a branch of annual export, to the amount of 1,200,000*l.* in order to preserve the revenue.

## BRANDY.

## TARIFF.

## BRANDY.

We shall proceed now to another article of the tariff, upon which such a reduction of duty is stipulated to be made in favour of France, as cannot fail, in its first and certain operation, most essentially to affect the revenue; and, by its consequences, to produce a most alarming injury, not only to a very valuable and extensive part of our colonial trade, but even (by the mischief which it must extend to a most productive branch of internal manufacture) prove, in the end, in the highest degree injurious to the agriculture and Landed Interest of the Country.

The brandies of France, instead of nine shillings and sixpence  $\frac{1}{2}$ , are in future to pay no more than seven shillings *per* gallon. Since the operation of the act of the twenty-second of his present Majesty, which equalized the custom duty upon all foreign brandies, little else than French brandy has been imported into this country. The superior quality, indeed, of the article itself, as well as the comparative advantage in the low price of freight from France, over any other competitor, would have given



## TARIFF.

## BRANDY.

given to that country the exclusive monopoly of the British market for her brandies, if no new encouragement had been extended to her by the operation of the present treaty \*.

The quantity of brandy, upon an average of the two last years, which was imported and paid duty, amounted to 2857 tons, three hogshheads, two gallons—or 727,615 gallons.—Two shillings and sixpence, the sum taken from the present duty upon this quantity, will produce an immediate diminution of revenue to the amount of 90,981*l.* 8*s.* 6*d.*

This loss of duty, it is very evident, can only be made good to the revenue by an immense encrease of the annual consumption of brandy, or by the imposition of a new tax upon some other article.

The quantity of brandy consumed in this country cannot be encreased, without a consequent diminution in the consumption of rum and home-made spirits, or an immoderate increase in the use of spirituous liquors—an evil

\* The Minister was so sensible of this, that when he, two years ago, lowered the duties upon rum, he left the high duties upon brandy.

which

## TARIFF.

## BRANDY.

which it has been, and ever must be, the constant object of a wise and virtuous legislature to prevent.

We will not suppose that the ministers of this country mean to make good the loss of revenue by the corruption of morals; or that they mean to bring back again those times, when the legislature found it necessary to declare, as in the preamble to the act known by the name of the Gin Act, "That it was of the utmost importance to the public welfare, that some timely provision should be made for preventing those mischiefs, which must unavoidably ensue, should spirituous liquors be again suffered to be sold at a low rate."

If, therefore, the total quantity of spirits consumed in the country is not intended to be increased, any increase on the consumption of brandy must affect that of rum and home-made spirits, unless an equivalent diminution of duty takes place upon them. The minister, indeed, appears to have had this in his contemplation, and seems to think it a necessary and indispensable policy, that the lowering the duty upon  
brandy .

## TARIFF.

## BRANDY.

brandy should be secured against producing a consequent diminution in the use of rum. He has already hinted an inclination to lower the duty upon rum *3d. per gallon.*

The only principle upon which this decrease can be founded, is a wish to preserve a relative proportion in the consumption of each article. If this be done, the amount of the diminished rum duty must be added to the amount of the stipulated diminution of that upon brandy, as a certain and further degree of injury, to which the public purse is wantonly exposed.

The quantity of rum imported into this kingdom, on an average of four years preceding the year 1777, was 2,375,176 gallons. During the same period the export was 655,291 gallons. And the whole average annual consumption was 1,719,785 gallons.

I have chosen to select these years, because in them the importations were moderate. If I had been influenced by any disposition towards an uncandid advantage, I might have taken the year 1785, when the total importation amounted to 3,014,114 gallons; a quantity, as is very

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apparent,

## TARIFF.

## BRANDY.

apparent, infinitely greater; but, perhaps, partly to be accounted for by causes not permanent in their effect, and which, therefore, may not exist equally at another period.

Now threepence *per* gallon on 1,719,785 gallons, will produce a sum of 21,495*l.* 19*s.* 3*d.* Such is the amount of the reduced rum duty, which the minister has even intimated his consent to make, in addition to what he has already given up upon brandy. But the West India planter neither is, nor can be, satisfied or secure under this diminution. It is not such as will secure him against the increased importation of brandy, which, even under the higher duties, he found every difficulty to struggle with.

The late war having fallen so heavily upon the West Indies, having increased the price of every thing in Britain with which they are supplied, having loaded them with internal taxes in their islands, having increased both the price and the difficulty of procuring lumber from America, joined to the high freights and heavy insurances which they are obliged to pay, has so considerably raised the price of their commodity

## TARIFF.

## BRANDY.

modity of late years, that it is quite impossible that 3*d.* per gallon can bring the planter on a footing with the importer of French brandy.

The West India merchants, with a moderation which does them honour, have only solicited a reduction of 5*d.* per gallon, which, upon the quantity already stated, will amount to 35,826*l.* 12*s.* 1*d.*

## DISTILLERY.

But it is not only the West India planter who will be materially affected by the diminution of the duty upon brandy.

The MALT DISTILLERY will be equally hurt. It is a fact perfectly well known, that this branch of manufacture, so valuable to the landed interest of this country, is already in an alarming state of decline. It has consumed, in years past, no less than 500,000 quarters of malted corn. Upon an average of the three years preceding 1782, it consumed scarcely 200,000 quarters. It would be presuming too much upon a supposed ignorance in the reader, to point out the immense advantage it is



## TARIFF.

## DISTILLERY.

to the farmer to have such a market for his grain, or to the revenue, by what it pays in its progression of different stages from barley to spirits.

There was charged with duty, on an average of three years preceding 1782, 2,351,534 gallons of British spirits. During that period, however, as the duty was laid upon the wash by a conjectural calculation, which supposed that 100 gallons of wash produced 15 gallons of spirit; and as that calculation has been since found to be erroneous, and, by an act passed in the year 1784, the 100 gallons of wash are charged with duty upon a supposition of producing 20 gallons of spirit, we must add the difference, to discover the quantity really made.

The effect of the regulation in 1784 was that of increasing the number of gallons of spirits, charged with duty, one third. To the amount, therefore, of the average quantity upon which duty was charged the three years preceding 1782, must be added one third, which will leave the given number of gallons that would be charged with duty from the same

## TARIFF.

## DISTILLERY.

same quantity of wash at this time. The third of 2,351,534 is 783,844. The two sums added, produce 3,135,378 gallons, which is the precise number upon which duty would now be charged.

The duty upon British spirits is now 2s. 6d. per gallon, calculating 100 gallons of wash to produce 20 of spirits. If it should be at all intended to save this useful manufacture, the duties upon it ought, and must be lowered, in the same proportion as those of rum. If rum be lowered 5d. per gallon, a proportionate reduction of the duty upon British spirits will amount to 2d. per gallon—and this sum will amount, upon the quantity of spirits above stated, to 26,128l. 3s. per annum.

If this reduction of duty should not take place, it is not only the duty upon spirits which will be destroyed by the ruin of the distillery, but the duty upon malt, which upon the quantity used in the distillery amounts to above 100,000l. will suffer a proportional defalcation—the farmer will also lose his best market for his grain—so that even the revered interest of the landed property is to be, in some degree,  
among

## TARIFF.

## DISTILLERY.

among the sacrifices which are to be made, for the encouragement of French industry, and the consumption of French luxuries.

The above reasoning proceeds upon the supposition, that the consumption of the several articles of spirits, home and foreign, is to remain, after the operation of the present treaty, precisely what it is at this time ; and in that case the following defalcation will be sustained by the revenue, namely,

Upon brandy	—	£. 90,951	8	6
Upon rum	—	35,826	12	1
Upon spirits	—	26,128	8	0
		<hr/>		
Total defalcation on spirits		152,906	8	7
		<hr/>		

If it should be contended, however, that this decrease of duty upon the articles will be made up by a proportionate increase upon their consumption, let us examine, what the degree of that increase, upon such view of the subject, must necessarily be. Upon calculation it will be found to stand thus :

Of

TARIFF.	DISTILLERY.
Of brandy there must be increased	Gallons.
in the consumption —	259,860
Of rum ditto —	153,522
Of home-made spirits —	223,956
Total increase of consumption to	
make up deficiency of revenue	637,338

These then are the miserable alternatives to which the people of Great Britain are to be reduced: They are to submit, in the article of spirits alone, to a reduction of the national revenue to the amount of above 150,000*l.* which by some expedient or other must be made good by new taxes—for the public creditor, it is presumed, is not intended to be defrauded—or else their morals are to be corrupted, their health impaired, and their industry relaxed, by the increased use of a mischievous luxury, the greatest part of which is produced in another, and that a rival country.

#### COUNTERVAILING DUTIES.

All the articles of the tariff, except the four first, are founded at least upon an ostensible

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## COUNTERVAILING DUTIES.

tenable pretence to reciprocity. They presume, that whatever may be the relative state of skill, taxation, or the price of labour, the duties from ten to fifteen per Cent. are quite sufficient to protect the manufactures of either country, against the competition of the other.

It is not, however, a little remarkable, that while the Irish propositions were in agitation, the protecting duties being in that arrangement nearly upon that equivalent with those of the present treaty, the manufacturers were then unanimously of opinion, that such duties were perfectly inadequate to protect them against the manufacturers of Ireland?

If they were really so in that case, may it not be asked, how it happens that they can be adequate to such a protection now, when the *ad valorem* duty is so little higher, and the danger of the rivalry so much the greater? Cheapness of labour, comparative exemption from taxes, and the low price of the raw material, which were the motives pleaded for this insufficient protection, are more decidedly in favour of France than of Ireland.

And



## TARIFF.

## COUNTERVAILING DUTIES.

And singular and extraordinary indeed will it be, if those advantages against which we declared vehemently, when proposed to be granted to our sister kingdom, should be without objection agreed to, when extended to our old enemy and certain rival.

The want of capital in Ireland was the argument principally insisted upon by the supporters of the Irish propositions, as decisive upon the superiority of advantage which would result from them to Great Britain.

Is it possible to presume upon this only ground of advantage with respect to Ireland, when we are speaking of a commercial union with France? Such an argument in favour of the present treaty, would be too evidently ridiculous to demand a refutation.

Is the French cotton manufactory in a worse state than the Irish? Is their woollen manufactory no better? Are not their hardware, their hosiery, their glass, and all their millenary wares, (which owe their value so much to fashion) in a state a thousand times more flourishing than those of

## TARIFF.

## COUNTERVAILING DUTIES.

Ireland? Yet the manufacturers of England, with regard to these very points, expressed their apprehensions of the Irish competition, and un-animously declared, that duties nearly equivalent to those of the present French treaty, were by no means adequate to protect their home manufactures against this young and indigent rival. How then is it possible, that duties which were totally inadequate in one case, should be entirely so in another, when the circumstances of the danger are so much the greater?

It has been often said, that the cotton manufactory is the particular one which is to gain most by the opening the French market.

That merchants or speculators may for a time make money by a trade which is a loss to the country, is a proposition too plain to be disputed, and till it can be proved that the merchant's gain, and the nation's profit are synonymous, it will not be necessary to contest so unimportant a fact. But it may be of some use to take a short view of the state of both countries, and to consider  
for

## TARIFF.

## COUNTERVAILING DUTIES.

for one moment, whether that advantage which, if admitted to exist in some articles at present, is of a nature likely to be secure and permanent.

To this end it will be necessary to make a short enquiry into the state of comparative taxation, and price of labour in the two countries.

The principal manufactures of France which are most likely to interfere in the articles permitted to go from England upon custom duties, are settled in the countries of

*Normandy,*  
*Picardy,*  
*Britanny,*  
*Flanders,*  
*The Three Bishopricks of Metz,*  
*Toul and Verden,*  
*Alsace,*  
*Lorraine,*  
*and*  
*Hainault.*

## TARIFF.

## COUNTERVAILING DUTIES.

In comparing the taxes of England with France, it is absolutely necessary that we should distinguish between the different provinces of that great empire, because the state burthens are in no degree like ours, general and indiscriminate.—They differ in different parts of the kingdom, and, therefore, when we consider the quantities of taxation to which the manufacturer is subject, it is necessary to distinguish the district in which he lives. It may not necessarily follow, that the price of subsistence is in proportion to the lowness of taxation in each province; but it happens, however, to be true, in point of fact, that those districts which we have just enumerated, are not only celebrated for the extent and success of their manufactures, but also as being those of all France in which provisions are in the greatest abundance.

Mr. Neckar has given an elaborate table of the different taxes of every sort paid by the inhabitants of the different provinces of that country, and an accurate calculation of the amount which each individual pays—and from his statement the following table is taken :

In

## TARIFF:

## COUNTERVAILING DUTIES.

			Liv. S.	l. s. d.
In the district which comprehends all				
Lorraine and Bar, the taxes amount, per				
head, to	-	-	12	19 = 0 10 9h
In that of Strasbourg comprehending Alsace,			14	1 = 0 11 8h
That of Lisle	-	-	20	3 = 0 16 9h
That of Valenciennes *	-	-	20	15 = 0 17 3h
Amiens, which comprehends the country				
about Calais, Boulogne, and most of Pi-				
cardy,	-	-	28	10 = 1 3 9
Normandy	-	-	29	16 = 1 4 10
Britanny	-	-	12	10 = 0 10 5

If this rate of taxation be compared with that of England, or even with Ireland, the lowness of whose taxes alarmed all the manufacturers of England two years ago, the difference is striking and remarkable. By a calculation made by Mr. Walker of Manchester, and presented to the House of Peers, it appears that the average amount of taxes paid by the Cotton manufacturers of Lancashire, amounted to 3l. per head; if the calculation be extended over the whole of the kingdom, reckoning nine millions of people in Great Britain, the whole amount of our taxes will be equal to 2l. 7s. or thereabouts, per head; a sum above double the highest state of taxation in any manufacturing province of France, and above four

\* These two comprehend all Flanders.



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## COUNTERVAILING DUTIES.

four times the amount of the taxation of the the greatest part of them.

But it is not the lowness of taxation alone which the manufacturers of this country have to dread. The wages of labour, and the price of living are equally advantageous to France.

In order to form a just comparison between the rate of the wages of labour in the two countries, we must learn the price given for that species of labour to which the natural faculties of man are equal and applicable, and therefore in the present case our enquiry should be, what the farmer pays upon an average for a day's labour in both countries. By the best information I can obtain, the common wages in the manufacturing parts of France do not exceed 8 or 10 sous per day, that is, from 4d. to 5d. whereas in England the same sort of labour cost 1s. 2d. or 1s. 3d. We cannot reasonably doubt, but there will be nearly the same proportionate difference of wages between the manufacturers of the two countries as there is between the day labourers; more especially

## TARIFF. COUNTERVAILING DUTIES.

especially when we consider that this lowness of the wages of labour is occasioned by lowness of taxes, and cheapness of provisions; causes, which equally affect all classes of men, as well the manufacturer as the common labourer.—With the joint operation of all these causes can it be supposed that any presumed degree of skill can long countervail such decided advantages; capital will find its way to that situation where it can be employed to the best advantage, and the facility with which British artificers are, by the Treaty, enabled to settle in France, will, in a short time, give them an easy possession of our skill, and a consequent participation in our capital.

It is to be considered also that the communication between the coasts of England and France is infinitely easier, and infinitely more certain than that between Britain and Ireland; —from *Calais*, *Boulogne*, or even *Rouen*, *Havre*, or *L'Orient* to London, the passage can rarely exceed a day or two's navigation, in a safe and a certain channel. From Ireland the passage is through a rough and boisterous sea—dangerous and uncertain for above half the year, and almost impracticable

## TARIFF. COUNTERVAILING DUTIES.

cable to be performed in less time than eight or ten days. Let us pause upon this circumstance of advantage, and again ask if there was danger from the Irish propositions; and if  $10\frac{1}{2}$  per cent. would not have been a protecting duty against the manufactures of Ireland, whether it is possible that the same duty can protect our manufactures against those of France?

The principle also upon which countervailing duties are established by the treaty, is narrow, and inadequate. If a countervailing duty have any meaning at all, it is intended to equalize the burthens under which the different manufacturers labour, that they may be upon even terms as to the employment of their respective skill, and the exercise of their mutual industry.—Will the countervailing the mere duty imposed upon the manufacture itself, in any shape produce the effect which should be the vital principle of this species of protection. It is a melancholy truth, with respect to England, heavily burthened as she is, that in the multiplicity of her taxes many of them fall equally severe upon the manufacturer as if they were directly

COUNTERVAILING DUTIES.  
 directly imposed upon his manufacture itself.—  
 The tax upon the house in which the manufacturer lives; the soap and candles, and leather which he uses; the commutation for tea, which, perhaps, he does not drink; the tax upon his receipts, his bills, and upon the shop itself where his goods are sold, must all form a part of the price of the commodity in which he deals, and ultimately fall upon the article equally as if placed immediately upon it; yet no attempt is made to countervail such, which are, in fact, virtual *ad valorem* duties, upon the importation of them.

Were the two countries, *in all respects*, upon an equal footing, the duties might be sufficient to afford encouragement and protection to our manufactures; but unequal as they are in *every* respect to the disadvantage of England, it requires no long look into futurity, to see the period when her boasted skill, which at best is but a temporary superiority, must give way to the influence of advantages which are certain and permanent.

It is not only that the present treaty is narrow and confined in the principle of its coun-

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tervailing

## COUNTERVAILING DUTIES.

tervailing duties, but that some internal duties are totally omitted in the list, such as the duty upon Leather and upon Malt, while others are inserted which the ministers themselves know it is utterly impossible to attempt to carry it into effect, such as those upon Iron, and Plate Glafs.

The united testimony of all the most respectable and intelligent manufacturers, when given before Parliament upon the subject of the Irish propositions, went, with one voice, to this opinion, That  $10\frac{1}{2}$  per cent. *ad valorem*, was totally, and out of all proportion, unequal to their protection against the rival manufactures of the sister kingdom.

If then, as is more than probable, the same system of commercial intercourse between the two countries should be revived again; and if the manufacturers should be found to have been in a state of inaction as to the accomplishment of the present Treaty with France, with what appearance of propriety could they present themselves before either House of Parliament, to renew their resistance to the former measure?

Would



## COUNTERVAILING DUTIES.

Would they decline opposing a plan of connection with Ireland, which two years before they had represented as pregnant with every sort of danger, and even with certain destruction to their most essential interests?

Or would they have the courage to say, in the face of so august an assembly, "It is true we contended, that a duty of  $10\frac{1}{2}$  per cent. was entirely insufficient to afford us any protection against the competition of a poor and untaught relation; but we are now equally prepared to argue, That the very same duty is an ample and satisfactory security against the hostile rivalry of a direct enemy, of a Country rich in capital, cheaper in labour, more advanced in skill, and more abundant in materials."

Would such men as Mr. Wedgewood, Mr. Walker, or Mr. Gibbon risque the fair and honourable respect which they hold amongst their countrymen, by being guilty of an incongruity so palpable and disreputable?—They would despise such a proceeding, in words. Let them be careful, then, that they are not equally exposed to the imputation of it, through

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## IRON.

their conduct. If France be only in the same degree of advancement as Ireland—if she possesses labour no cheaper, skill no more improved, or materials in no greater quantities, but all only in the same degree; yet if the communication with England be equally easy and less expensive, how is it that she is not equally a subject of alarm in the formation of a connection, the basis of which, with respect to the manufacturers, is precisely the same.

The manufacturers must explain this in their own vindication—either their opposition to the Irish propositions was *Faction*, or their inertness as to the progress of the present Treaty is *Desertion*; Desertion to the ultimate interests of their country, into which they are seduced by the influence of a little present advantage to themselves.

## I R O N.

The manufacturers of Iron and Hardware are flattered that their manufacture will find its way into France upon better terms than it formerly did, and an idea is delusively encouraged amongst them, that the high duty upon  
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## IRON.

the import of foreign Iron is to be countervailed upon French goods coming to England. Some high finished, and high priced articles may, and probably will, for a time, go from this country to France. They will do so till British workmen shall teach the French to avail themselves of the advantages they possess of the cheapness of their labour, and the lowness of their taxes. It is in vain, however, to hope that any of the ordinary sorts of wares can be exported into that country.

The German and *Leige* Hardware, though perhaps not so highly finished, is infinitely cheaper than the English. The article of arms alone, which it has been thought could be purchased at a lower price at Birmingham than in any part of the world, may be had at *Leige* 20 *per cent.* cheaper than in England, and other articles in proportion. The *Flemings* already excel us in most articles of inferior Hardware; and can we indulge an expectation that they will not have at least the same advantage in the French market which they have in every other?

When Mr. Gibbons, whose authority on these subjects is certainly of the most respectable nature, was asked by the House of Lords, whether

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## TARIFF.

we had not a considerable trade in manufactured iron ware to Portugal, Madeira, and different ports in the Mediterranean? he answered, " That we formerly had—but that we had lost it for some years."

## IRON.

And when asked to assign the reason of that loss, he replied—" The Flemings undersell us. *"They have their labour and their iron cheaper."*

Have not the Flemings the same advantages in the French as in the Portuguese market?—Have not the French their labour and their iron equally cheap as the Flemings?

The duty upon bar iron imported into France is 15 livres *per* ton, or 12*s.* 6*d.*—The duty upon bar iron imported into England, amounts to 2*l.* 16*s.* 1*d.* which neither can be drawn back upon exportation, nor countervailed upon importation.

As both France and England produce iron of their own, which enters into the manufacture of the country, the power of countervailing the duty upon the raw material, reserved by the treaty, is delusive and impracticable \*.

\* In point of fact, we know that it is not intended to be used; and, if it could be used, it would in France amount nearly to a prohibition upon our goods going there.

When

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## IRON.

When a ton of manufactured iron is carried to a custom-house in either country, is it possible to distinguish whether the material is foreign, or British, or French iron—or how much of the one, or how much of the other, enters into the particular quantity of goods manufactured? Yet such distinction must be made, before any drawback can be given, or countervailing duty can be raised. If the goods are of the iron of either the one or the other country, neither drawbacks nor countervailing duties can be made use of, because no duty has, in that case, been paid upon the import of the raw material, and therefore there can be nothing either to drawback or to countervail. If, on the contrary, the goods are manufactured of foreign iron, a drawback ought to be given upon exportation, and the duty ought to be countervailed upon the import.

The absolute impossibility of making those distinctions, places all idea of any countervailing duty totally out of the question.—How then, laying for a moment every advantage which France derives from cheap labour and low taxes entirely out of the question) will the account stand as to this article between the two countries.

Mr.



## TARIFF.

## IRON.

Mr. Gibbons calculates, in his well-informed and ingenious answer to Sir Lucius O'Brien upon the iron trade, that upon an average it requires a ton and half of iron to produce a ton of manufactured wares. In some articles it requires more, and in others less\*.

Let us suppose, that a ton thus manufactured is worth 40 *l.* sterling.—Then, English iron going to France will stand thus:

Duty upon 30 cwt. of iron, manu-	
factured into one ton of wares,	£. s. d.
at 2 <i>l.</i> 16 <i>s.</i> 1 <i>d.</i> per ton	4 4 1½
Ten per cent. upon 40 <i>l.</i> duty by	
the treaty	4 0 0

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8 4 1½

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\* The following account of the value of manufactured iron (excluding hardware) is taken from Lord Sheffield's very ingenious and intelligent Observations upon the American Trade; a book which every reader, desirous of knowing the actual state of British commerce, ought to consult:

Iron when manufactured is worth per ton,

Bolts	-	£ 24	Anvils	-	42
Anchors	-	30	Tin Plates	-	42
Nails	-	35	Steel from 24 to 56		
Hoes and Axes		42			

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## TARIFF.

## IRON.

Let us suppose, that the same goods come from France to England.—Then the account will stand as follows :

French import duty upon 30 cwt.	£.	s.	d.
of iron		0	18 9
Ten <i>per cent.</i> duty by the treaty	4	0	0
	<hr/>		
	4	18	9
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That is to say, that French wares, manufactured from foreign iron, will come to England 3*l.* 5*s.* 4½*d.* cheaper than the same goods can go from England to France, and the same sum cheaper than any Englishman can manufacture the same goods from the same iron for the French market.—These sums are fully sufficient to prevent English goods going to France, and probably sufficient, when joined to the price of labour, to enable her in time to supply England herself.

But if we should suppose for a moment, that there is little immediate practicability on the part of France to rival us in our own market, let us examine, what is the probability of our supplying hers.

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## TARIFF.

## IRON.

It is not the Flemings and the Germans only whom we are to meet in the French market, but the Irish will be enabled to trade there upon terms so infinitely preferable to us, as must in a very short time give them a decided superiority over us in the French market.

I have already demonstrated the impossibility of either drawing back or countervailing the import duties upon iron; therefore, Irish manufactured iron must go to France in the same way as iron manufactured in Britain now goes to every part of the world, loaded only with the import duty upon the material.—The Irish duty is 9*s.* 7½*d.* *per* ton :

The duty therefore upon a ton of	£.	s.	d.
wares will be - - -	0	14	5½
Ten <i>per cent.</i> duty by the treaty	4	0	0
	<hr/>		
	4	14	5½
	<hr/>		
But English duties on importation			
into France are - - -	8	4	1½
	<hr/>		
Therefore the advantage in favour			
of Ireland is - - -	3	9	8½
	<hr/>		

But

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## IRON.

But the advantages in favour of Ireland and of France will be still greater than they are here stated; as they pay so much less duty, they can, of course, sell their wares cheaper, in the first instance, by all that difference; but in the second, they will evidently have a less *per centage* duty to pay on the importation of the same quantity of manufactured iron.—

The same ton of wares which in England costs 40*l.* and pays a duty of 4*l.* 4*s.* 1½*d.* paying in Ireland only 14*s.* 5¼*d.* will only pay the 10 *per cent.* upon 36*l.* 10*s.* 3¾*d.* that is, instead of paying 4*l.* will only pay 3*l.* 13*s.* 7*d.* which makes a farther advantage to Ireland of 6*s.* 5*d.* and nearly of the same sum in favour of France in the English market.

If to these advantages we add that arising from cheapness of labour, the comparison will be still more against this country. Labour in Ireland is a full third, and in France a full half, cheaper than in England; and if we should suppose, for the sake of calculation, what is infinitely under the mark, that a ton of wares value 40*l.* cost 7*l.* in England for the

## TARIFF.

## IRON.

article of labour, the account will then stand thus:

	£.	s.	d.
Duty upon the raw material saved in Ireland		3	9 8 $\frac{1}{4}$
Saving of duty of 10 <i>per cent.</i> upon this sum, on sending their wares to France		0	6 5
Saving one-third in the price of labour		2	6 8
	£. 6	2	9 $\frac{1}{4}$

Such will be the advantage which Ireland will have over England in manufacturing iron for the French market. The French and the Irish will be pretty nearly upon a par, as if labour be somewhat cheaper in France than in Ireland, the duty upon the raw material is somewhat higher in France than in Ireland.— With these advantages, can we suppose that France will not rapidly improve in her iron manufactures; or if she should not, can we flatter ourselves that we can have the remotest chance of supplying her market; or will not rather English artists, with English skill and English capital, be inclined to emigrate to Ireland



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## IRON.

Ireland for the sake of availing themselves of such a market as that of France.

The idea of drawing back the duty upon the raw material has been often thought of, and as often has been found impracticable. As it cannot be distinguished, whether goods were manufactured from foreign or British iron, the drawing back the duty must operate, as far as exportation goes, as if no duty were laid upon the import of iron; and it is a known and decided fact, that without such duty the valuable iron works in England must be at an end\*.

\* An idea has prevailed with some, that the import of bar iron into this country is much upon the decline, and therefore, that our exports in future will be from iron made in England. The fact is directly the reverse, the importation of late years has encreased rather than diminished.

## Bar Iron imported.

	Tons		Tons		Tons
1764	46,436	1771	48,677	1783	47,914
1765	54,078	1772	51,210	1784	54,457
1776	34,910	1773	48,980	1785	45,600
Average	45,141 $\frac{1}{2}$		49,622 $\frac{1}{2}$		49,323 $\frac{1}{2}$

## COTTON.

## C O T T O N.

If from the article of iron we proceed to that of cotton, we shall see equally little reason to pronounce a very decided panegyric upon the skill and intelligence of the negociator of this treaty.

It is a fact pretty well known, that since the loss of *Tobago*, which was ceded, perhaps, not with a singular good policy, by the treaty of peace in 1783 to France, that we have received considerable supplies of the raw material from that country, which is subject to a duty of about 1d. *per lb.* upon export from France.

It is one of those singular derelictions of their own principles which is to be found only in minds of so unstable a structure as that of Mr. Eden, that he made no system for securing us from the mischiefs of that peace, which he had been one of the foremost to reprobate.— His treaty does not contain one single stipulation obligatory upon France, not to encrease her duties, nor even to bind her against the entire prohibition of the export of cotton wool. This power, therefore, is left entirely at her option,

## TARF .

## COTTON.

option, and may be exercised whenever she thinks proper.

Britain imported from France last year above two millions of pounds of cotton; she got from Portugal nearly the same quantity of *Brazil* cotton, of a quality, and of a price superior to any other. These two quantities amount to nearly one-third of the whole consumption of our cotton manufactures\*.—Thus, then, the treaty of commerce which, by disgusting Portugal, renders our supply from thence, to say no worse, extremely precarious; and by leaving it in the power of France to prohibit all supply from her quarter, leaves us at the mercy of our rivals almost for the existence of that manufacture which we justly estimate among the most valuable of those our national industry is employed in.

France also has her cotton at a lower price. The price of the raw material of this article is in general from 1d. to 2d. *per lb.* of equal quality, less in France than in England. This originates partly in the superior cheapness of

	lbs.
* From France and French Flanders,	2,078,413
From Portugal, - - -	1,629,419
	her

## TARIFF.

her navigation, and partly from the duty which she obliges us to pay for what we export from her.

## COTTON.

She has besides many dying drugs which are employed in this manufacture, of her own growth.

By some unaccountable superiority also of national taste, she excels us in patterns. Many of our present patterns of cottons are designed there, and when they have obtained a greater facility in the manufacture of this article, there is surely a dangerous probability that we shall take from France the stuff instead of the pattern.

The early and successful application of machinery, with the wonderful inventions of Arkwright, (which have, however, been instituted in France with a capital supplied by their treasury, to the amount of 15,000*l.* to the person who conducts them) joined to the spirit and activity of the manufacturers of Manchester, have hitherto given us a considerable superiority in the cotton trade.—It is clear, however, that the manufacture does not stand upon such grounds as to be above the apprehension

## TARIFF.

## COTTON.

hension of competition. Every advantage which was dreaded from Ireland, (and a reference to the evidence given before the House of Lords, on the subject of the Irish propositions will prove, that the dread entertained was of the most alarming nature) is possessed by France; she has, or may have, after the operation of the treaty, every species of machinery equally perfect as at Manchester.

She has cheap labour, and a multitude of hands ready to be converted into the best sort of workmen in this trade. It was stated in evidence upon the Irish propositions, that the best cotton weavers were bred first to the trade of linen weaving, and that a few weeks were sufficient to qualify them for a proficiency in it.

The French linen manufacture is extensive ; Spain and the Spanish flota are supplied from it ; and a very little time therefore, if the above testimony be founded in fact, and there can be no reason to think it is not, will mature her weavers to the manufacture of cotton.—When that event shall happen, we must lose at least one market for the purchase of the raw cotton, and

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## TARIFF.

## COTTON.

upon what natural or permanent advantage we can flatter ourselves with retaining a decisive superiority over a country which will unite cheaper materials and cheaper labour, with at least equal taste, it is not easy to discover.—The expectation is too weak for the undistinguishing sanguineness of infancy itself.

## G L A S S.

In this article it seems quite impossible to suppose, that we should either supply France, or continue to supply ourselves. Considerable duties are paid upon the import of some articles from which it is made.

And from the mode in which the duty is laid upon glass itself, it is scarcely possible to adjust a countervailing duty, or settle a drawback. The duty is charged upon glass in its fluid state, and no allowance is either made, or has ever been found practicable to be made, for the quantity which is useless in the first preparation, or what is broken or damaged in the making. All that quantity not only is charged with duty in the first instance, but is again

## TARIFF.

## GLASS.

again charged, if it should be again thrown into the melting pot. The difference between the real and nominal duty, occasioned by this mode of imposing it, is infinitely various in the different species of glass ware, and is in some instances enormous, but is, at the same time, impossible to be ascertained with any safety to the revenue.

The same difficulty attends the drawback of duty. In some instances, the difference between the drawback and the real duty paid, will amount to 40 or 50 *per cent.* and the difference between the nominal duty and the actual duty paid, is equally great \*.

If French glass coming to England is to pay the duty upon the actual quantity imported, it will be far, indeed, short of the duty which

\* The proportion between the weight of goods made, and the weight of goods charged by the excise officer, is calculated to be as follows:

Flint glass as 100 to 147

Bottle glass 100 to 112

Broad glass 100 to  $157\frac{1}{2}$

In cut glass the proportion is infinitely greater; the drawback is in the inverse proportion; that is to say, goods which have paid 147, draw back 100.

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has

## TARIFF.

## GLASS.

has been paid by the English manufacturer for the same quantity worked here.

If, on the other hand, it should be attempted to form a calculation what the actual duty was which each particular species of wares had paid, it would prove, as all such calculations have hitherto proved, a dangerous and impracticable attempt.

Independent of the known superiority of the French in many articles of the glass manufactory, therefore it is not reasonable to expect, that we should be enabled to send any of those articles, such as crown-glass, in which we are supposed to excel all countries, into France. The drawback of duty is less than the duty paid on different articles, from 21 to 45 *per cent*; or, in other words, glass is exported from this country, subject to a duty from 21 to 45 *per cent*.—Miserable indeed must be the state of the French manufacture, or partial in the extreme must be the hopes of those who can expect to supply France with glass ware under such circumstances: Ireland labours under none of the above disadvantages; she pays no duty upon the raw material, and is improving rapidly in the manufacture of it. Drinking glasses may

may be had four or five shillings *per doz.* cheaper in Dublin than in London. If then France is furnished with this commodity from the dominions of his Britannic Majesty, is it to Britain or Ireland that she will direct herself for her supply?

### MILLINERY.

This article, though apparently not amongst the most important of those affected by the regulations of the Tariff, will be found to involve as much error in the principle of its adjustment, and as much impolicy as to some of its domestic consequences, as any other included in the operation of the Treaty.

The duty upon this branch of the mutual trade, now for the first time deemed of consequence enough to be comprehended amongst the objects of a general commercial system, is to be in future 12 *per cent. ad valorem* upon importation into either country. Let us examine then, how far this duty is likely to have the effect of a real operative reciprocity.— One principal article of which millinery is composed, is *Muslin*. Muslin bought at the East India Company's sales pays a duty of 18 *l. per cent.* to the Company; of which, however,

## TARIFF.

## MILLINERY.

however, 12*l.* is allowed to be drawn back on re-exportation.

With respect to such articles of the millinery as are composed of the muslin imported by the French East India Company, this will be the case between the two countries.—The French manufacture will have nothing to pay on its importation here, but simply the 12*l. per cent. ad valorem*, imposed by the treaty. But the same manufacture of England will have the six *per cent.* (the difference between the original duty paid to the East India Company, and the *quantum* of the drawback) to be added to this reciprocal *ad valorem* duty; that is, it will pay 18*l. per cent.* on its admission into the ports of France. In this view of the subject, therefore, there is no reciprocity.

With respect to that part of the French millinery which is composed even of muslin bought in England, they will be found to be at least upon a level with us in our own market. They can purchase the muslins of the East India Company, drawing back all the duty but six *per cent.* They can return them in their state of finished manufacture here,



## TARIFF.

## MILLINERY.

here, at the stipulated duty of 12 *per cent.*; that is, with the difference only of freight, which is infinitely overbalanced by the consideration of their cheaper labour, they can sell their prepared and made up millinery with every advantage of superior fashion, and every recommendation of a prevailing partiality in their favour, precisely for the same duty which the Englishman pays for his unmanufactured muslin at the India House.

The almost entire impossibility, also, which will exist against our availing ourselves of the permitted drawback on the exportation of the Company's muslins when sent out in a state of manufacture, will deserve to be considered.—An application for the drawback upon the quantity of this article used in the formation of a cap or an apron, will be evidently difficult to a degree of almost total impracticability. Upon that supposition, the relative situation of the two countries as to this branch of their reciprocal imposts will be this, That the manufactured muslin sent from England will pay the original 18 *per cent.* to the Company, and the 12 *per cent. ad valorem* to the customs of France, making altogether 30  
per

## TARIFF.

## MILLINERY.

*per cent. ad valorem*, before it can obtain admission into their market.—Whereas, as I before stated, the same quantity, even of muslin bought from our own Company, can be introduced from France at a duty only of 18l. *per cent.* which leaves a difference of 12l. *per cent. ad valorem* in their favour; and of 18l. *per cent.* if the muslin be of the importation of the French East India Company.

Nor does it appear easy or practicable to distinguish, in many instances, so as to adjust with precision, the duty to be paid, on some articles at present prohibited from France, and which will in future be imported under the denomination of millinery. India muslins, French crapes, and tiffanies, are at present in a state of prohibition. The former are positively admitted by the treaty; and as the latter may at present be imported from Italy, subject to a duty, they will with great facility be in future brought from France, who greatly excel all nations in those manufactures. In a commercial view of this subject, therefore, it will appear to be not less exceptionable than the other regulations of the Tariff.—It demands consideration, however, upon another point of its inevitable tendency.

Few

## TARIFF.

## MILLINERY.

Few are the employments which exist in this country for the exercise of female industry,—and few the honest expedients for female subsistence.—Why those should have been wantonly diminished, as by effect of this article they evidently must, and that to a most alarming extent, will not be easily accounted for on any principle of general policy, or with any reconciliation to domestic morals.

Was there not mischief enough done to the male poor of this country, by the operation of the new arrangement, to have satisfied the most systematic cruelty, if any such exist, (or if it be not fairer to suppose ignorance than barbarity) in the negociator of this treaty?—Or, was it a motive of consistency that prevailed with him to the adoption of this pernicious stipulation?—That having uniformly resisted the least appearance of equitable mutuality in the whole course of the negociation with France, he determined to act up to himself, and to reject a reciprocity even in their national gallantry.

Whatever was the cause, the effect is most reprehensible.—If it be true that female virtue

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## TARIFF.

## MILLINERY.

be a quality which deserves encouragement either as a source of domestic happiness, or public benefit, it must be equally so that this part of Mr. Eden's treaty demands the severest reprobation, both of the private individual and the politician.

## S A D L E R Y.

IT is extremely difficult to ascertain the exact extent of this term.—It is known to comprehend many articles of manufactured leather which by no means appear to be naturally included under it.

Our leather manufacture is certainly at present in a more flourishing state than that of the French; but it is equally true, that they are using every exertion to arrive at a speedy competition with us:—They have all the materials as good, in as great plenty, and as cheap as we have; and there is no such mystery in the trade itself, as to make it at all difficult of acquisition, more particularly since the treaty places them on so advantageous a footing with respect to it. What appears to be a fifteen *per cent.*

## TARIFF.

## SADDLERY.

*cent.* duty by the treaty, is, in fact, *no duty* at all upon French leather coming to England; but is, at least, 25 or 30 *per cent.* upon English saddlery imported there.

The internal duty upon leather in England is equal to about 15 *per cent.* upon the value.

It is impossible to give the shadow of reason, why in the list of countervailing duties this is not to be found. The 15 *per cent.* import duty being then merely equal to the internal duty in this country, puts French and English leather upon the same footing as if the internal duty had been countervailed, and no duty at the port was to be paid.—

The case, however, is directly reversed upon English leather goods going to France. As the internal duty is paid upon the whole hide, and as considerable parts of it are lost in the manufacture, the real duty upon the goods is infinitely higher than it appears upon the material.

Three halfpence *per lb.* upon the whole quantity, may be 2d. or more upon the ma-  
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nufacture,



## TARIFF.

nufacture. The drawback is only paid upon the weight actually exported ; by which means a duty of 9 or more *per cent.* remains upon it, which, added to the port duty in France, of 15 *per cent.* makes the whole duty upon English leather going to France equal to 24 *per cent.* Whereas I have already said, that by the operation of our internal duty, French leather will come here, after paying the 15 *per cent.* stipulated by the treaty, almost entirely on the same footing with our own.

Of the article of *Porcelain* and *Pottery* I shall say but little.—The manufactures of *Worcester* and *Derby* will certainly be totally unable to support themselves against the more beautiful compositions of this article in *Seve* or *Paris*.

The beauty and elegance of Mr. Wedgwood's ware, may for a time give it a considerable advantage in the French market ; but he has himself declared, upon oath, that no less a duty than 40 or 50 *per cent.* was sufficient to protect him against the infant manufactures of Ireland :—

That

## TARIFF.

That it was in the power of any nation, by difficulties at the custom-house, by unpacking the goods, and a thousand such artificial embarrassments, to convert a low duty into an absolute prohibition.

That little skill was necessary in the inferiour workmen;

And that equally little time was necessary, in addition to natural advantages and cheapness of labour, to transfer the manufacture to another country; of which indeed he gave the remarkable instance in Ireland, which within three years after the trade with America was laid open, had effectually taken from us both the export of leather and of glafs.

There can be no doubt, therefore, but this manufacture, like others, will only be productive of a temporary advantage to England.

## W O O L L E N S.

I come now to that part of the tariff which respects the staple of British manufactures, the trade of her woollens.—It has been  
a pre-

## TARIFF.

## WOOLLENS.

a prevailing opinion since the publication of Mr. Eden's Treaty, that this is not the part of his system which threatens the most injurious consequences to the manufacturers of Great Britain. General opinions taken up on loose grounds, and disseminated without examination, are apt to have a more deciding influence in this country, than in their nature belongs to them. That this particular species of manufacture is more affected by the stipulations of this treaty, or even equally with some other branches of our trade, I know not, amidst such an accumulation of dangerous innovations, that it would be safe to affirm, That it is not dismissed, however, without some participation in the general defects of this extraordinary arrangement, will not be very difficult to demonstrate.

The *Drab D'Elbeuf*, which is among the finest of the French cloths, sells in that country, as is to be ascertained upon all the most modern authorities, at 19 livres 15 sous, or 16s. 5½d. according to the present rate of Exchange, per aune.

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I need not inform the intelligent reader, but state it to facilitate the enquiries of those who may be less conversant in this sort of information, that the French *aune* is to the English *yard*, in the proportion of nine to seven, that is, it consists of forty-six inches and two sevenths.

By the *Reglemens General, pour la Manufacture du Drap* of August, 1669, and by the *Arret du Conseil*, of the 19th of February, 1671, the most respectable authority that can be appealed to on this occasion, the breadth of the *Drap D'Elbeuf* is regulated at one *aune* and  $\frac{1}{4}$ , or 57 inches  $\frac{6}{7}$  in breadth.

By multiplying, therefore,  $46\frac{2}{7}$  inches, the length of an *aune*, by  $57\frac{6}{7}$  inches, the breadth of the *Drab D'Elbeuf*, we shall have precisely the number of square inches contained in one *aune* of this cloth, which upon calculation will be found to be  $2677\frac{47}{49}$  square inches.

The price of the best English broad cloth is 18s. per yard, and is 7 quarters or 63 inches in breadth.

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The length, therefore, as in the former case, multiplied with the breadth, that is,  $36 \times 63$ , will give the exact number of square inches contained in one yard of English broad cloth, which will be found to be 2268 square inches, which will leave a difference of four hundred and nine square inches more cloth in the aune of *Drap D'Elbeuf*, which sells for 16s.  $5\frac{1}{2}$ d. than is in the yard of English broad cloth, which sells for 18s.

By a farther calculation it will appear, that the same quantity of square inches of English cloth as are in the French aune, if sold at English price, would make such aune cost one pound one shilling and seven pence, and a fraction. But the French aune of the *Drap D'Elbeuf* costs only sixteen shillings and five pence halfpenny; in precisely the same quantity of cloth, therefore, there remains a difference in the price, in favour of France, of four shillings and six-pence halfpenny.

To take the calculation another way:— I have said that a yard of English broad cloth costs 18s. Now it will turn out by a simple operation of figures, that the same quantity



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quantity of French best cloth, or *Drap D'Elbeuf*, which is contained in an English yard, sold at the rate of 16s. 5½d. per aune, the French price, would cost precisely 13s. 10½d. per yard, a view of the subject which perhaps may make it clearer to the understanding of Englishmen, because more familiar to the habits of measurement in practice amongst them. By this last calculation then there would remain a difference per yard between the best cloths of France and England, the former indisputably not inferior in quality to the latter, but directly the contrary, of 4s. 1½d. in favour of the *Drap D'Elbeuf*.

If it should be urged in reply to the above facts, which certainly stand upon evidence, that it will be very difficult, if at all practicable to shake, that though the difference of price of the same quantity of the same sort of cloth, between the two countries, be certainly material, yet it is not so much as will not be sufficiently covered by the duty of 12l. per cent. united with the expence of freight, &c. which may be fairly estimated at 3l. more, and which will make the whole amount of the charges upon importation here

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of French woollens 15l. per cent. *ad valorem*. This it may, and indeed has been said will be such an incumbrance upon the admission of cloth, as to amount pretty nearly to a mutual prohibition. How far that is likely to be the case with respect to the British market, it will be my next business to enquire.

Suppose it to be admitted upon the average, and it cannot be far from the mark, but at all events is equally fair between the two countries, that two yards and a half of British broad cloth are taken up in making one coat.

£. s. d.

We have seen, that the same quantity of the *Drap D'Elbeuf* which is contained in an English yard, costs

0 13 10 $\frac{1}{2}$

A coat of this therefore, made on the average mentioned above, will cost precisely

1 13 8 $\frac{1}{4}$

A coat made of the same quantity of British cloth, at the market price, to wit, 18s. per yard, will cost

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Which

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Which will leave a difference of eleven shillings and three pence three farthings on each coat.

Now 15*l.* *per cent. ad valorem*, upon 1*l.* 18*s.* 8½*d.* the price of the coat made of the *Drap D'Elbeuf*, will amount to 5*s.* and a fraction. This added to the price, will make the whole cost upon importation into England, precisely 1*l.* 18*s.* 8½*d.* that is 6*s.* 3½*d.* less than a coat made of our own broad cloath in the metropolis of England.

It is proper to observe here, that there is great reason to believe, after the operation of this treaty, cloaths will be imported into this country, in great quantities, ready made; in which case will be to be added, to the other advantages in favour of France, the decided superiority they possess over us, in the essential article of cheaper labour. It is well known as a fact, that a coat is made in Paris for four livres 10 sous, or 3*s.* 9*d.* English, which in London will cost at least 10*s.* 6*d.*

In the whole of the above argument I have totally left out of the question all consideration

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of superior quality on the part of the French superfines; a fact, however, which is sufficiently attested, and will not (particularly in their Scarlets and their Blacks, in which we do not come within the remotest chance of competition) be attempted to be controverted by any person at all conversant in these concerns.

I shall next inquire, whether the manufactures of our own wool are likely to be sent in large quantities to France; and for that purpose it will be necessary to examine, whether the difference in the price of the raw material in the two countries, is so much in favour of England, as to enable her to send her manufactures of coarse wool in competition to the French market, where labour is so much cheaper, and under an expence of *15 l. per cent.*

Lord Sheffield, in his Observations on Trade with the American States, supposes common wool *20 per cent.* cheaper in England than in France. This gives us an advantage of *5 l. per cent.* at the French market; but this *5 l. per cent.* is not only no very great encouragement, but it is certain that, from recent advantages acquired by France, this superiority is not  
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now very confidently to be relied upon. France has gained upon us, in this species of woollen, in the Levant market, for a long time. It is equally well ascertained, that our trade to the south of Europe has declined to a very large degree.— We consoled ourselves with the hope, however, that it would maintain itself in the north of Europe\*; but it has decreased in that quarter (taking an average of four years following the year 1763, and of the four years ending 1784) from 1,331,928*l.* to 573,029*l.* A part of this great deficiency must be supplied from some other quarter; for all the countries which we previously furnished with this article certainly cannot supply themselves. The woollen manufactures of Spain are considerably improved†; but still she does not produce sufficient, even for her own dominions. We therefore know of no country that can supply what

\* Namely in Holland, Germany, Russia, Denmark, Sweden, and the East country.

† Especially in bays, low cloths, and serges, which are cheap, though of an inferior kind. Some of her serges indeed are at least as good as ours. The shalloons made at Guadaxora, ten leagues from Madrid, are very good, though not well pressed or finished.

we



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we have lost, unless it should be France.—In the long bays, and other branches of the Bocking manufacture, she decidedly excels us. As good camblets as any in the world, are now made at Lisle. She can also undersell us in a manufacture between camblet and barragon, worn by the clergy. She is enabled to carry on a large manufacture of fine serges in Normandy and Brittany; and also of sagathies at Amiens, Abbeville, and other places. She surpasses us at present in the dressing of beavers, worn for great coats; and they now at least equal us in mixed colours, in which we used to excel.

I shall now proceed to say a few words in the way of calculation upon the Cloths of inferior quality, and to avoid too particular a detail (the prolixity of which may, I fear, have, by this time, sufficiently fatigued the Reader; but let it be always remembered, however, that, in subjects of this kind, it is upon minute points that great interests solely hinge) will content myself with considering only *one* sort, in which both countries carry on a very extensive manufacture; I mean the *Silefias*.

The

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The French *Silesia*, which is, beyond all comparison, a lighter and pleasanter, and even finer Cloth than ours of the same denomination, costs 6 liv. 10 sous, or 5s. and 5d. *per aune*, in Paris, and is  $\frac{3}{4}$  of an aune in breadth; the English *Silesia* costs 6s. *per yard* in London, and is  $\frac{3}{4}$  of a *yard* in breadth.

Pursuing the same kind of calculation that was adopted in the former instance, it will appear that there is contained in one aune of French *Silesia*, which is sold for 5s. and 5d.  $634\frac{3}{4}$  more square inches than is contained in the English yard, which is sold for 6s.

It will appear farther, that the same number of square inches of English Cloth which is contained in the French aune, if sold at the English price, would cost precisely 9s.  $10\frac{3}{4}$ d. and that the same quantity of square inches of French *Silesia* which is contained in one English yard, would, at the French price, cost 3s.  $3\frac{3}{4}$ d. that is to say, the French *Silesia* is exactly 3s.  $2\frac{1}{4}$ d. cheaper per English yard than English *Silesia*.

The quality of the French is unquestionably superior;—the price is little more than half,

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half, and yet an opinion is delusively diffused, and unwarily credited. That no injury of any kind is to be sustained to any department of our Woollen-manufactures by the operation of Mr. Eden's Treaty.

I cannot, however, admit the supposition that there is so fixed a system of irrational credulity in my fellow-subjects, or so criminal a negligence in the Woollen manufacturers, both as to their country's interest and their own, as to think it possible after the above representation, unless the facts, on which it stands, can be subverted, that the one will continue to indulge, or that the other will persevere in a passive acquiescence, in so pernicious a misconception \*.

## THE TRADE WITH SPAIN.

The discussion of this part of the Tariff naturally leads us into an examination of what will be the probable operation of the Treaty upon our Commerce with Spain, the country

\* The reader will find the general argument on Woollens very intelligently stated, in a plain, but well-informed production, entitled *The Woollen Draper's Letter*, published by Debrett.

from

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from whence, we need not inform the Reader who has followed us thus far in our Remarks, that species of Wool is imported, of which the whole of our superfine Cloths are entirely fabricated.

The Trade between this country and Spain, unbappily for us, has been, for some years, most alarmingly on the decline.—The following is an estimate of its exports and imports in the years

1775,	1776,	1783,	1784.
1,205,215 2 9	1,191,477 19 3	589,887 13 8	802,246 3 0
564,386 6 0	561,071 11 9	419,462 4 1	637,337 9 11
<hr/> £.640,828 16 9	<hr/> 630,406 7 6	<hr/> 170,425 9 7	<hr/> 164,908 13 1

To this is to be added the produce of the Fish trade from Newfoundland, which being in the number of what are called the enumerated articles, is exported from that Island without coming into the ports of Great Britain, and therefore is not included in the estimates of our Customs, and which in some years has amounted to 337,028 quintals. The price of this in the ports of Spain, inclusive only of their own duty upon importation, is 18*s.* per quintal, which will leave a sum of 303,327*l.* to be added with

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the reduction, as we have said, of their internal duty, to the amount of our exports.

This diminution is to be accounted for from the combined influence of the following causes:--

1st. From the encreased fashion of French and Portugal wines, which has lessened the importation of those of Spain into this country, in a comparison between the year 1700 and 1785, in the proportion of more than five to one.

2d. From the operation of the regulation of 1782, which equalized the duty upon all foreign brandies from wheresoever imported.—Previous to this period, the brandies of Spain came into this country at a considerably lower duty than those of France; but being inferior in quality, as well as being attended with a much heavier expence of freightage, they could not stand a competition, when placed on a footing of equalized duty, and are now in a state of virtual prohibition\*.

				3d.		
				Per Ton.		
				£.	s.	d.
* Before the year 1782 the custom-house duty						
upon French brandy was				8	5	6
That upon Spanish				4	8	6
				By		



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3d. From the participation and preference of France in their market for woollens. And 4thly, From the institution of several manufactures in that article, in their own country.

This decrease is the more to be lamented, as our trade with Spain, both as to the imports and exports, was conducted on a footing the most advantageous which can possibly subsist between two distinct empires.—We took nothing from them but raw materials or articles of native produce; such as their wines or brandies, upon which no labour could be employed.—They took from us various descriptions of our made-up articles, and even large quantities of their own raw materials returned to them in a state of complete and finished manufacture. — We had their wool, cochineal, indigo, and barilla, which we sent back again to the country of their original produce in bales of cloth of different denominations. By a double operation of advantage, therefore, we made them pay the price of our labour, and had their market for the sale of a British manufacture, the constituent materials

By an act passed in 1782, the custom duty upon *all* brandy is 8l. 8s. per ton, which with the 5 *per cents.* is now 9l. 4s. 6d.

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of which were produced in their own country. The balance of this trade, therefore, was always to the advantage of England; and the surplus, amounting generally to near a million annually, was constantly remitted to us in actual specie.—To say nothing that the materials which are imported from them were such as we could not possibly do without—some of which we could get no where else, and others from no other country except Portugal, in similar perfection or with equal advantage; and all of which were so indispensibly essential to us, that without them the whole of our staple manufacture, our national trade of woollens, must have stagnated or ceased.

It is difficult to ascertain, what may be the future revolutions in the taste or character of a country.—It is not, therefore, out of the number of possible events, that Spain might herself become a great manufacturing kingdom, and might employ her own subjects in the working her own materials. But till such a disposition had began to prevail with them—till interest had inspired industry, and till industry had been matured by experience, it is clear to demonstration, that Spain was, of all the countries in Europe, that with whom it was most

most particularly the advantage of England, and most pressing the duty of her Rulers to have cultivated an intercourse, and to have cemented a friendship.

A very different policy, however, has evidently influenced the negotiator of the present Treaty.—A sinking trade demands to be protected and sustained. It is much to be feared, and infinite will be the cause of regret, if the event should turn out so to be, that the effect of this new system can terminate only in giving the last blow of decisive ruin, to a branch of commerce already weak and languishing, yet still important and advantageous.

The brandies of Spain are already in a state, as has been before said, of virtual prohibition from this country. Their wines, by the operation of the Treaty, will be pretty nearly in a similar situation.—Even the circumstance of a more prevailing degree of fashion in the French wines, has been sufficient to diminish the consumption of those of Spain, in the proportion of at least five to one, in the course of little more than eighty years, as may be seen by the computation taken from the Inspector-General's books at the Custom-house.

Spanish

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Spanish Wine imported into England from  
of Christmas 1699, to Christmas 1701.

		Tons.	Hog.	Gall.
1699	—	11,701	3	60
1700	—	13,649	—	7
1701	—	11,184	2	17

Ditto imported into England from Christmas  
1783, to Christmas 1785.

		Tons.	Hog.	Gall.
1783	—	2,149	1	23
1784	—	2,553	3	41
1785	—	2,534	1	34

At each of these periods, and during the whole of the interval which took place between them, the import duty upon Spanish wines was about 18 shillings *per ton* more than that upon the wines of Portugal; that is to say, somewhat *less than half* of that which existed upon the wines of France. If then, by the mere advantage of preferable quality, or more congenial taste and flavour, the wines of France could occasion so material a diminution in the consumption of those of Spain as has been proved above, is it auguring either rashly or factiously

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factionously to suppose, that when the duty upon the French wines shall become only one-half of what it was formerly, and the duty upon the wines of Spain shall remain the same, it will produce an almost entire abolition of the use of them?—A smaller advantage, than this, when extended to French brandies by the act of the equalization of duties in the year 1782, totally destroyed the consumption of Spanish brandies in this country. On what ground, then, either of general argument or analogy, can we possibly presume that a similar effect will not follow from a regulation, which, though not exactly of the same kind, is certainly more injurious to the importation of their wines.

If that event should take place, and the wines of Spain should cease to be used in England, this then would be precisely the situation of the commerce between the two countries. Every article and iota of it, both as to importation and exportation, will be totally and exclusively in favour of Great Britain. We shall receive nothing from them but what we cannot possibly do without, and they will continue to take from us without the most remote pretensions



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pretensions to a reciprocity, or the shadow of an inducement, what they can very well continue to import from other countries. Is it to be reconciled to any principle of common sense, or any experience of the practice of States, to suppose that things should remain long in such a situation. They have a severe power of retaliation in their own hands, and will certainly have every motive for the exercise of it.

Indeed a review of the circumstances under which we have enjoyed the free importation of the wool of Spain down to this time, will abundantly prove that she has never granted us that indulgence without a sufficient and adequate inducement, and that, therefore, she is not likely to persevere in so doing when that inducement no longer exists. The first commercial treaty of any extent that we had with that kingdom was executed in the year 1667, and is generally known by the name of Lord *Sandwich's* treaty, though principally negotiated under the direction of Sir *W. Godolphin*, Secretary to the embassy. Sir *W.* was so conscious of its importance to this country, that in his letter to the minister, containing the intimation of its

its ratification, he thus expresses himself with an honest triumph: "The treaty of commerce, I dare promise your Lordship, comprehends not only all the privileges and advantages which this crown hath ever granted to any other state or people, but likewise some conveniencies which it hath never yet permitted to any other."—Alluding pointedly to the unimpeded exportation of the Spanish wool.—The service performed by Sir William, in obtaining this advantage, was deemed of consequence enough to incline the ministry three years afterwards, in 1670, to appoint him ambassador plenipotentiary to the court of Madrid, with a view of renewing this same treaty, for the value of it began to be very sensibly perceived—This was accordingly done.—Now it is to be observed, in the first place, upon this event, that at that time the manufacture of French woollens was entirely in its infancy, and therefore Spain had no market for that part of her produce in that country. Indeed no other vent existed for it in Europe at that period but England; and though the importation of it, therefore, was an evident advantage to us, it was hardly less so to her.—It is to be attended to also as a co-

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operating motive for this indulgence, that our imports of her wine and brandy, were at that period immense. So far, therefore, her kindness was not without an adequate inducement.—The next revival of this treaty took place in the year 1713, the æra of the famous treaty of Utrecht, for even the despised and persecuted negociators of that reprobated engagement were not either weak or wicked enough to consign a participation of our trade to France, without taking care that a security for the importation of the material upon which our woollen manufacture totally depended, was first provided. The circumstances, however, between England and Spain had not much changed, and, therefore, the same motives were applicable to this extension of her indulgence with respect to the wool, that were mentioned in the former instance.

The treaty of 1667 was again renewed in 1750\*. By this time, however, our importation of Spanish wines and brandy had very considerably diminished; indeed between the years

\* The three articles of the treaty of Utrecht, generally called explanatory, were revoked by Mr. Keen's treaty, and that of 1667, renewed in *total*.



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1740 and 1748 they had been much less than at present, and another market for her wool had began to present itself in France. She became conscious, therefore, of the favour she had shewn us, and determined to make an adequate advantage of it.—By the treaty of *Aix la Chapelle*, concluded the year before, we were in possession of the *Asiento* contract for Negroes, a miserable traffick, of which we made a use perfectly congenial to the principle of the trade itself. It was highly important to Spain to get this contract out of our possession, and she sent over a proposition, in which she agreed to allow us one hundred thousand pounds in money, and as a farther inducement, to *renew* the *commercial treaty* of 1667, as a price for relinquishing the injurious intercourse with her colonies.—The terms were accepted, and the treaty was accordingly ratified at Madrid, under the direction of Mr. *Keene*.—This is the last instance of any specific or formal renovation of the treaty in question, although it has been twice revived since by a sweeping clause in each of the treaties of peace that have taken place subsequently.

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It is as clear therefore as historical evidence can make it, that Spain never granted the free importation of her wool into this country, but under the influence of some equivalent advantage; either direct or collateral. Is she likely to be equally indulgent to us in a state of provocation and injury, as in a situation of reciprocal benefit and conciliation? Is there any one so weak in his devotion to the politics of Mr. Eden, as to admit a supposition so revolting to the understanding, and so repugnant to the known conduct of States?

If then, actuated by a natural and justifiable resentment towards this country, inclined by the tie of family amity towards France, and urged by the reflection that she has no longer an advantage in a commercial intercourse with Great Britain, Spain should impose a prohibition, or a prohibitory duty on the importation of her wool into England, what would be the consequence?

It would require all the industry of Mr. Eden to make out the detail of so comprehensive a mischief, and much more than his  
judg-

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judgment or talents to produce a compensation for it. It almost exceeds belief, and transcends perhaps all recorded precedent of inattention or incapacity, that a man should make an alliance with a natural enemy, to the disadvantage of a natural friend; that that friend should be in the possession of an article without which the person making such alliance could not live nor subsist, and yet that he should never solicit the possession of it before the intention of his new engagement was openly announced, nor make any provision to deprecate a resentment, the effects of which would be fatal to his nearest interests, till he had given every provocation of the most pointed neglect, and supplied every motive of the most defensible recrimination, for the fullest and most unqualified exertion of it.

Such has been the conduct of Mr. Eden with respect to England, France, and Spain.—If the consequence of his management be any thing less than the entire destruction of the manufacture of our finest and most valuable woollens, the Country must owe to accident or felicity what it has failed of securing

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curing, by the intervention of his care and sagacity\*.

## CAMBRICK.

The duties by the treaty imposed upon French cambricks are another proof of the inattention of the Negociator to what has been the policy of this country in times past. Formerly, while they were allowed to be imported under a considerable duty, the manufacture was utterly unknown in Britain. Since the prohi-

\* That the reader may judge of the nature of our imports from Spain, and how much they consist in raw materials, I shall subjoin one year's imports from thence.

Spanish Wool	-	1,861,231	} lbs.
Indigo	-	396,400	
Cochineal	-	147,845	
Cortex Peru	-	33,969	
Fruit	-	11,618,500	No.
Wine	-	2,534	Tons.
Raifins	-	60,423	Cwt.

Our exports consist entirely of woollen goods; pilchards, salmon, tin, butter, beef and pork from Ireland. Of Woollens alone England, in the year 1768, exported to Spain to the value of 952,438l. and in the year 1775 to that of 862,000l.

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bitory act 18 Geo. II. c. 36. it has been by slow degrees increasing in Scotland and in Ireland; and lately the progress it has made has been considerable. There were stamped for sale, in Scotland, in the year 1783, 56,304 yards; in 1784, 83,438; in 1785, 106,755. Under the present duty, this rising manufacture must be utterly ruined; whereas it might have been protected, and a considerable revenue secured, by laying higher import duties upon French cambricks, at the same time that they need not have been so high, as either to prevent the importation, or encourage smuggling.

As the manufacture of the inferior sorts of cambrick is that which is most likely to succeed in Scotland, and as the chief view of France is to secure the market of England for her fine cambricks, the object of both countries would have been secured, by laying the duty in such a manner as to exclude the coarser, at the same time that it admitted the importation of the finer.

It has been suggested that a duty of 8*s.* per demi-piece would effectually answer this purpose, have protected the Scotch and the Irish manufactures,



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manufactures, and have afforded a considerable revenue to the public.

Though the linen manufacture of France is in so flourishing a state as completely to supply both Spain and Portugal with the immense quantities of coarse linens they consume, yet it is not very probable, under the present duties, that either the Irish or the British linen manufacture have any thing to apprehend from the importation of French linen; though it may be probable that Britain, in future, will take from France considerable quantities of some sorts of linen which she now imports from the north of Europe; a circumstance which considerably increases one of the worst tendencies of the present treaty, the throwing all the commerce of England into one channel, and the disobliging every nation with whom we now carry on trade, in order to encourage the manufactures of France.

There is at present in France a demand for some sorts of Irish linen, and considerable quantities are now smuggled there. It might have been thought a fair advantage for our sister kingdom, while we ruined her rising manufacture of cambricks, that some sort of advantage

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tage should have been stipulated in her favour for those species of her linens which are in request in France. All sorts of Linens however are virtually prohibited going from Ireland to France by the treaty; for it is well known, that the Irish duties upon Dutch linens are in their nature prohibitory; and therefore, the duties upon Irish Linens going to France will be also prohibitory. And thus, by the terms of the treaty, while the Irish are taught to expect a benefit, the substance of the article is a mockery to them, and an exclusion to their staple manufacture.

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Having gone through the principal articles of the tariff, it is necessary to inform the reader of one objection which pervades the whole; which is, that although the duties imposed upon articles carried from the one country to another, appear upon the face of them to be reciprocal in amount; and although French goods coming to Britain, and paying the import duty, are from that moment free from any farther charge whatsoever—yet the case is directly the reverse with British goods going to France; which in many instances will have to pay additional duties to those imposed by the

R

tariff,

## TARIFF.

tariff, and higher ones than similar goods of the manufacture of France.

When any commodity is imported into France, and pays a specific duty of *entré*, at whatever part of the kingdom it may be imported, this is called a *Droit uniforme*, the effect of which is to protect the goods from all internal duties, or, as they are called in France, *Droits du circulation*, till they arrive at the place of their original destination : but once arrived there, if they are again to be carried from one part of the kingdom to another, they become subject to all the different local duties which prevail in different parts of that great kingdom, and these duties are in almost every instance higher upon foreign, than upon French manufactures. Thus, if a bale of English woollens be sent from London to Lyons, the twelve per cent. paid at importation will protect it from all duties till it arrives at the place to which it is addressed. But if the merchant at Lyons has occasion to transport the same bale of goods to Aix or to Marseilles, it will become subject to fresh duties, considerably higher than a French bale of the same goods would pay.

These

## TARIFF.

These are shackles imposed upon the commerce of England to France, in which there is no reciprocity. If the French merchant misses his market in one place, he may move his goods to another, and so on through every town in Britain, without being subject to any duty or imposition whatsoever.

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## R E V E N U E.

I have now gone through the principal articles in the Tariff; and from the review of it, the reader will already have anticipated me in concluding, That there is scarcely a manufacture which is not endangered; an important foreign trade which is not placed in the hazard of ruin, nor many branches of the Revenue which can escape its destructive influence. It is difficult to calculate all the losses to the public purse from so complicated and extensive an innovation; all which, however, can be positively ascertained are alone such as I shall state here, and they will appear as follows:

R 2

Loss

## REVENUE.

	£.	s.	d.
Loss of 50 <i>l.</i> per ton on French wine	20,098	6	8
Loss $\frac{1}{4}$ present duty on Portugal wine	161,404	18	2
Loss of 2 <i>s.</i> 6 <i>d.</i> per gallon on Brandy imported	90,951	8	6
Loss of 5 <i>d.</i> per gallon on Rum	35,826	12	1
Loss of 2 <i>d.</i> per gallon on malt spirits	26,128	3	2
	<hr/>		
	£. 334,400	8	7
	<hr/>		

It has, indeed, been said, that the duties established by the Tariff will be sufficiently productive to compensate for this enormous loss; but I have already proved that they cannot be productive in the articles in which the loss arises without involving the ruin of the Portugal trade, and the destruction of the West India planter, and Home Distillers, and giving rise to consequences, both to trade and revenue, far more extensive than it is possible to form an estimate of, at this time. If the duties upon the other articles are to be productive, it can only result from the immense importation of French



## REVENUE.

French Woollens, Cottons, Hardware, Saddlery, or other manufactured articles which directly and immediately interfere with similar articles of our own, and by so doing, affect every exciseable commodity in the kingdom, to an extent far beyond what any port duty can make good.

## SMUGGLING.

It has also been suggested that the duties established by the Treaty will effectually put an end to the smuggling of foreign articles, and by that means produce a compensation for all the apparent defalcation to the Revenue.—How far that expectation is likely to be realized by the event, it shall be my next subject to enquire.

The fact is, indeed, that it is not only from those goods, which may be lawfully imported under the present Treaty, that the trade of England has reason to be alarmed; the ease and safety which it extends to smuggling, is sufficient to render, almost nugatory, every security which the fair trader possesses, from prohibitions,

## TARIFF.

## SMUGGLING.

prohibitions, and every advantage which the revenue derives from high duties.

The prohibited articles of silks, gold and silver stuffs, lace of every sort, are so small in bulk and so valuable in themselves, that if there was nothing more than an increased intercourse between the two countries, the preventing their being smuggled in great quantities would be totally impracticable.—The only risk of seizure is on the landing; because, as similar fabrics are produced by our own manufacturers, it is impossible for the officers of the revenue to distinguish the one from the other; and if a constant and considerable trade is carried on between the two countries, those articles, in such estimation with the rich and the fashionable, will easily find their way amongst us, to the ruin of our own manufactures, of the same species.

There are, however, in the Treaty, some regulations which totally annihilate most of our useful Laws against smuggling, and which more particularly militate against that act which Mr. Eden himself had a principal share

## SMUGGLING.

share in proposing, and in procuring to be passed.

By the nineteenth Article of the present Treaty it is stipulated, That

The ships of either party being laden, sailing along the coasts of the other, and being forced by storm into the havens or ports, or **MAKING LAND THERE IN ANY OTHER MANNER WHATEVER**, shall not be obliged to unlade their goods, or any part thereof, or to pay any duty, unless they, of their own accord, unlade their goods there, and sell some part thereof.

By the tenth Article they are not to be subject to any forfeiture for any defect or omission in the entries of their goods ;—and by the twenty-fifth,

The ships belonging to the subjects and inhabitants of the respective kingdoms coming to any of the coasts of either of them, but without being willing to enter into port, or being entered, yet not willing to land their cargoes or break bulk, shall not be obliged to give an account of their lading, unless they are suspected, upon sure evidence, of carrying prohibited goods, called contraband, to the enemies of either of the two high contracting parties.

How can any of these articles be carried into effect without a repeal of our present laws which have been found absolutely necessary for the protection of the revenue?

By

## SMUGGLING.

By the 24th Geo. III. 47. every vessel hovering, (that is, not proceeding directly upon her voyage) and having on board any brandy in casks under 60 gallons, or any other goods whatsoever subject to forfeiture, may be seized if found within four leagues of the coast.

And every vessel of a particular construction, which are supposed favourable to smuggling, are prohibited to be used by any British subject, unless by licence.

By other laws, every vessel is obliged to make an entry of her cargo, if it be of a nature which is enterable; and it has been found necessary to enact, that they should be subject to forfeiture, in case such entry should be found to be defective or erroneous.

It is self-evident that, at least so far as regards French ships, all these laws must be repealed.

In future they may make land in any manner they please.

They are not obliged to enter their cargoes.

They

## SMUGGLING.

They may come upon the coasts, and either come into port or not, as they chuse.

They are not obliged to give an account of their lading, except in the single case of their being *suspected upon sure evidence* of carrying prohibited goods to the enemy.

And they may use vessels of any construction, however adapted to smuggling, and however prohibited to be used by British subjects. The description in the twenty-fifth article, viz. of ships coming upon the coasts without being willing to enter into port, is the precise and accurate definition of hovering, and is by the treaty permitted.

The alarming heighth to which smuggling has arrived, has made it necessary to enact, that the merely being within certain limits, with certain goods on board, shall be of itself a cause of forfeiture; but in future, as the cargoes are not permitted to be examined, a French smuggler, lying at the back of Dover harbour, laden with brandy in small casks, is not liable to be seized, unless taken in the very act of landing her cargo.



## SMUGGLING.

Can we entertain a doubt, that under such circumstances, the smuggling of not only such articles as are prohibited, but of such articles as are admissible under high duties, must increase to an enormous amount?—Our silk manufacture, which has been often injured by the clandestine importation of French silks, must be totally ruined; and the stipulated diminution of the duties upon brandy, can have but little effect in preventing its being smuggled.

The duty of *7s. per* gallon is about *500 per cent.* upon the prime cost, which is about *1s. 4d.* in France; and, under all the restrictions of hovering acts, and restraints of custom-house laws, we have the authority of the Committee on Smuggling for saying, that it could be afforded upon the coasts of Britain for *3s. per* gallon. When such a price left profit sufficient to the smuggler, under all the risks which he was formerly exposed to, he will undoubtedly be able to sell it still cheaper, when those impediments are removed; and whether the duty be *7s.* or *9s. 6d.* will make little difference, as there is still a sufficient profit to encourage him in the practice, and to secure him against risks, which are now hardly to be considered as any longer dangerous.

In

## SMUGGLING.

In future, indeed, all the contraband trade will be carried on in French vessels; for it is they only who will be free from all the restraints of the various laws we have mentioned.

There is another species of smuggling which has of late been much practised, and which also in future may be carried on with considerable advantage—I mean that of drawback and certificate goods.

If a French vessel sails from the Thames laden with goods, upon which she secures the drawback, she may sail round the island, come upon the coast as she pleases, is not liable even to be examined, and may settle her plans of operation with the smugglers on shore, till she finds the convenient opportunity of landing her cargo; and is not seizable, except in the very act of smuggling.

Under these advantages, joined to the more extensive communication between the two countries, it is utterly impossible to suppose, that the revenue can be at all productive in any article under high duties; or that any of those manufactures which we have found it necessary to protect, either by prohibitions or by high duties, can continue even to exist.

## DROIT D'AUBAINE.

Such is the foundation of the hope which has been so industriously encouraged, and so precipitately entertained, that all the future injuries to the revenue, and many more besides those immediately resulting from this treaty, were to be made good by the entire extermination of smugglers from the borders of the empire.

## DROIT D'AUBAINE.

It is not meant to be here contended, that this is one of those Articles of the Treaty which tends equally with several others of it, to the radical subversion of the national interests. In as much, however, as the nature of such a regulation will permit the possible existence of injury, so far precisely it is the tendency of the present modification of it to encourage every disadvantage.

I need not inform, but may be indulged in reminding the intelligent reader, that the *Droit D'Aubaine* is a privilege existing in France, by which the King of that country claims a right to all the personal property of an *alien* who shall die in his dominions. It will be much less necessary for me to observe to any person

## DROIT D'AUBAINE.

person at all conversant in the laws or usages of this country, that no privilege at all corresponding to the above, prevails in England.

If this right were rigidly carried into effect in France, it would be rather to be considered as an advantage than an injury to Great Britain, as in that case it would have the salutary operation of preventing emigration. If it were totally abrogated, as is recommended by Mr. *Neckar*, this consolation (which though evidently inadequate, is the best which the circumstances admit) would result from that arrangement of it. That an inhabitant of England who had taken up his residence in France, might enjoy the satisfaction at last, and his country the benefit, of restoring the whole of his property by his will to his heir, or other object of his preference in his native land.

The worst possible situation in which this privilege can be placed, is that of doubt or ambiguity, and in that Mr. Eden has completely left it;—so left it, that every injury resulting from the first hypothesis I have laid down, remains in its full extent, while the benefit secured by the latter, is at best precarious  
and

## DROIT D'AUBAINE.

and doubtful. The temptation to emigration remains in full force, but the restoration of property is exposed to the uncertain justice of a French Judge, deciding against the immediate interests of the French Monarch.

If it be said that Mr. Eden has secured to the inhabitants of this country as complete an exemption from the operation of the *Droit D'Aubaine*, as was obtained under the Treaty of *Utrecht* in the year 1713, (an assertion which is by no means to be maintained, but which is not worth the detail of a regular refutation) let it be remembered, that events have taken place since that period, which ought to have made it peculiarly the duty of a negociator of the present day, to have demanded a plain, unambiguous, decisive arrangement upon the subject.

I refer the reader to a narrative in my Appendix, which may prove interesting to him as an event of modern politics not generally known, and cannot fail to have a decisive influence upon his judgment, in convincing him of the absolute necessity which exists for a clear and unequivocal understanding between the two countries, as to the operation of this celebrated privilege.

He



## DROIT D'AUBAINE.

He will there perceive of what miserable subterfuges the French tribunals will avail themselves, when deciding upon the operation of engagements that militate against the immediate pecuniary interests of their sovereign. If Mr. Eden knew of this instance, he was guilty of a total desertion of his duty as a negociator, stipulating for the personal privileges of his countrymen, not to have insisted upon the entire removal of an ambiguity, which experience had proved so essentially to interfere with them ;—if he did not, he was hardly sufficiently skilled in the modern history between the two countries, for an advantageous execution of the important duty he had assumed.

## CORPORATE RIGHTS.

It would be unpardonable in a general investigation of this sort, to omit a detailed mention of so alarming an innovation as that which is produced by the operation of this part of the Treaty. There are some men whose very conviction of the magnitude of the danger in this case, has inclined them to resist an opinion of its being really deducible  
from

## CORPORATE RIGHTS.

from the spirit of the Treaty itself ; and there are others who are disposed to dismiss the subject negligently, as being too immediately demonstrative to require the formality of a regular enquiry.

Those who consider the extent of the injuries resulting from this commercial system as a presumption in favour of the negociator of it, must think very highly of him indeed ; and if I could be induced to look upon that as a defensible ground of partiality, I should unite cordially in their good opinion. This is a novelty in defence, however, which I am not entirely disposed to acquiesce in ; and am equally averse to a careless resignation of a great point, merely because much ingenuity may not be demanded in the discussion of it. I would rather be exposed to the imputation of tediousness in the way of over solicitude, than be censured for a culpable neglect.

The Charter of the city of London, which was held of consequence enough, to be expressly confirmed, even by Magna Charta itself, and afterwards by a particular act of the legislature (in 2 W. and M. c. 8.) has explicitly stipulated, That no person shall be permitted

## CORPORATE RIGHTS.

mitted to expose Goods to Sale in Shops, as artists or retail dealers of any denomination except such person shall first have been admitted a Freeman of the said Corporation, by service, birth-right, or redemption.

The precise terms, in which this invaluable privilege has been hitherto secured, are exactly these, " No person, not being a Freeman of London, shall keep any shop, or other place, to put to sale, by retail, any goods, or wares, or use any handicraft trade for hire, gain, or sale, within the city, upon penalty of forfeiting five pounds for every such offence."

Let us then enquire, what are the new privileges, in direct violation of this sacred compact, conferred upon the inhabitants of France, by the present Treaty. The following extract is copied from the

## FIFTH ARTICLE.

" The subjects of each of their said Majesties may have leave and licence to come with their ships, as also with the merchandizes and goods on board the same, the trade and im-

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portation

## CORPORATE RIGHTS.

portation whereof are not prohibited by the laws of either kingdom, and to enter into the countries, dominions, cities, ports, places, and rivers of either party, situated in Europe, to resort thereto, and to remain and reside there, without any limitation; *also to hire houses*, or to lodge with other persons, and to buy all lawful kinds of merchandizes, where they think fit, either from the first maker or the seller, or in any other manner, whether in the public market for the sale of merchandizes, or in fairs, or wherever such merchandizes are manufactured or sold. They may likewise *deposit and keep* in their magazines and warehouses, *the merchandizes brought from other parts, and afterwards expose the same to sale*, without being in any wise obliged, unless willingly and of their own accord, to bring the said merchandizes to the marts and fairs. Neither are they to be burthened with any impositions or duties on account of the said freedom of trade, or for any other cause whatsoever, except those which are to be paid for their ships and merchandizes conformably to the regulations of the present Treaty, or those to which the subjects of the two contracting parties shall themselves be liable."

Lest,

## CORPORATE RIGHTS.

Lest, however, the privileges included in the above extract should be suspected of having been conveyed in terms of less clearness and precision, than suited the wishes and interests of at least one of the contracting parties, Mr. Eden has consented to go a step further, and to confirm the inhabitants of the rival empire in the possession of these new rights, in words as unambiguous as the effect of them is destructive and unconstitutional. He adds, "and they shall have right to remove themselves, as also their wives, children, and servants, together with their merchandizes, property, goods or effects, whether bought or imported, wherever they shall think fit, out of either kingdom, by land and by sea, on the rivers and fresh water, after discharging the usual duties, *any law, privilege, grant, immunities, or customs*, to the contrary thereof in any wise notwithstanding."

Now, to what in the preceding passages, can the term *immunity* have any possible application? Not to the removal of the citizens, their wives, &c. because that being hitherto a penal prohibition, would have been revoked by a repeal of the statute enjoining it, and not by the grant of an *immunity*.



## CORPORATE RIGHTS.

To what else, then, in these quoted passages can it extend?—To nothing, clearly, but to the privileges contained in the first extract, authorising the future establishment of French shops in the metropolis; for nothing else is expressed in this part of the article, to which, by any construction of sense, or grammatical arrangement it can have the smallest reference. The fact indeed is, that in all legal acceptance, the term immunity signifies not the donation of a privilege, but specifically the exemption from a custom or duty; and in this signification it is accurately employed by Mr. Eden, when he informs us, as by the result of this article, we are to our cost informed, that in disregard of past usage, in contempt of any pre-established custom, in defiance of existing charters, Frenchmen, from the date of the present treaty, are legitimate freemen of the city of London, without the labour of apprenticeship, or expence of purchase, and are entitled to a full and equal participation of their best and dearest privileges.

It may perhaps be suggested to this, that in the conduct of a great state measure, extensive in its subject, and complex in its arrangement,

## CORPORATE RIGHTS.

rangement, a casual inaccuracy of expression, (for such, to be defended, this must be maintained to be) is not much to be insisted upon. How far this explanation will be accepted by Mr. Eden, a gentleman at least as conversant in the meaning of words, as experienced in the arts of political negotiation, it is not for us to determine.—Whether he has a just right, however, to avail himself, even of this amicable subterfuge, will be best seen by an attention to the following consideration :

Mr. Eden, in the formation of the treaty of which we speak, and for the successful adjustment of which, he is to receive the future rewards of his country, has made it an almost undeviating principle with himself to transcribe accurately and implicitly from the Treaty of Utrecht, in the year 1713.—The question then arises, does the Treaty of Utrecht contain any clause of the kind and tendency now complained of? — Is there any thing in it that can have the effect of admitting French citizens into a full participation of the advantages and privileges of the citizens of London? To this we answer NO, not a word. Is there any thing in it on  
the

## CORPORATE RIGHTS.

the contrary, that goes to the positive interdiction of any such participation? To this we answer YES; and that in terms as direct and intelligibly pointed to the preservation of British rights, as Mr. Eden's are strong and explicit in the violation of them. In the fifth article of the Treaty of Utrecht, which corresponds with the fifth article in the treaty of Mr. Eden, after having admitted, as is also done in the modern counterpart of it, that the subjects of the two countries may be reciprocally permitted to resort to the cities, ports, &c. of the respective kingdoms, and to lay up, and keep in their magazines, and warehouses, all kinds of lawful merchandizes, we find these express words, "on this condition, however, *that they shall not sell the same by retail in shops, or any where else.*" Can there be found in the English language, terms more direct, and unequivocal? Did Mr. Eden deviate then from so intelligible a precedent, by mere accident or inattention? Did he introduce words destructive to the very essence of his avowed original, and abrogatory of its most important prohibitions without a purpose or design? If there be a man so devoted to a blind and dangerous credulity, so abandoned

## CORPORATE RIGHTS.

to the purposes of a particular party, as to believe this, we must resign him to the quiet possession of opinions, that are evidently not to be stirred by fact, or shaken by the plainest deductions of reason.

Two points in this extraordinary transaction are established, beyond all power of controversy. That by the terms of Mr. Eden's treaty, the boasted exclusion claimed under the Chartered Rights of the City of London, is abrogated and destroyed.

That by the terms of the Treaty of Utrecht, which in all other cases, he has copied with so servile, and obedient an accuracy, those revered privileges are left, as every Englishman must wish them for ever to have remained, sacred and secure.

We have two reasons, therefore for believing, that the clause complained of, was voluntarily introduced, and deliberately intended to bear the interpretation now imputed to it. First, That we find the actual terms of it calculated to convey no meaning at all; if not that, which we annex to it. Secondly, That

we

## CORPORATE RIGHTS.

we find the express, and specific reverse of this meaning in the acknowledged precedent from which it was transcribed, in every other part. By avoiding to adopt words, that were obtruded upon his observation, which he could not avoid attending to, and by which, (if adopted) the corporate rights of his countrymen would have been completely secured, we can be at no loss to determine, what could be his real and deliberate intention, when he made use of language, the obvious meaning, and literal construction of which, goes directly to the invasion of those same privileges.—Is it at all necessary to enlarge on so evident a principle?—In the whole progress and conduct of this Treaty, Mr. Eden had assumed one uniform line of proceeding, from which he has never substantially deviated; that where it was the intention of the parties to introduce the same regulation into the modern treaty which existed previously in that of Utrecht, he has not only adopted the regulation itself, but the words also in which it was conveyed. If it had been his intention then to imitate the virtuous rejection of this dangerous innovation, which he found in the precedent before him; why did he not, in conformity to his constant usage,



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usage, imitate also the terms in which that intention was expressed?—But the reverse of this was the new principle that he and his coadjutors in office meditated to establish, and they have accordingly made use of language most clearly and unequivocally calculated to express their meaning. Our judgments are equally satisfied in this case, from the words which Mr. Eden has avoided to use, and those which he has used. We are equally convinced from both, that the real, true, and systematic purpose of himself, and the other members of the Cabinet, with whom he co-operated in the arrangement of this important negotiation, was directly and unambiguously this:—“ To admit all the subjects of France, without exception or distinction into a full, free, and indiscriminate participation of all the privileges of the City of London, which have been hitherto deemed exclusively their own, under the claim and sanction of their charter.

What has been said of the charter of the city of London, is equally applicable to all the other corporate bodies in the kingdom.

To extend this consideration a little further :

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Though

## CORPORATE RIGHTS.

Though any Englishman may set up a shop in any town which is not a corporate town, yet, as the law now stands, no foreigner can do so. He may hire a house, it is true, but he is circumscribed in the use to which he shall appropriate it—for habitation is the express limitation put on it by Blackstone, p. 372, vol. 1.—By 32 Hen. VIII. c. 16. § 13. No alien can take any shop, under a penalty of 5*l*.—nor can any one let a shop to an alien under the same penalty.

Thus, not only corporate bodies have been hitherto secured in the exclusive possession of their internal trade, in the way of retail, by the operation of their particular charter; but by this statute an equal privilege has been enjoyed by every other town in the kingdom.

It has been said, that Blackstone himself has expressed an opinion, that the statute alluded to has been in effect superceded by the regulations of posterior laws.—This is an evident misconception of his meaning—He says, indeed, that the 5th Eliz. c. 7. virtually repealed those statutes of Henry VIII. which prohibited alien artificers from working for themselves, or otherwise than as servants to Englishmen;

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 Englishmen; but there is no pretence for saying that it repealed the penalties upon taking shops.

But what puts the matter out of all doubt is, that many actions have been brought upon that statute, long since the statute of Elizabeth, which are collected and abridged even in every Law Dictionary; and to them I refer the reader who may be desirous of pursuing this important subject to its last stage of precision.

I shall only subjoin, by way of anticipated reply to those who may be of opinion, that it cannot be the intention of the present treaty to dissolve these corporate rights, because they are so demonstratively protected by the direct law of the land; that there is a sweeping clause towards the conclusion of the treaty, which stipulates that the King of England shall endeavour to prevail with his Parliament to rescind all such laws as may impede the due execution of any of the agreements contained in it.—Some laws therefore were known to be infringed—and why not these among the number?—If it be suggested, that though all this be admitted, yet that the right

## CORPORATE RIGHTS.

between the two countries is reciprocal, I shall leave it to the sense and feeling of my fellow-citizens to determine, how far an obvious inducement to emigration is to be considered as an adequate compensation for the participation of their retail market with the inhabitants of the rival kingdom.

The PRINCIPLE of FREE BOTTOMS  
making FREE GOODS.

The 20th article contains the admission of this long-resisted principle on the part of England; but as the fact is not attempted to be denied, that the right so frequently claimed by other powers, and so perseveringly opposed by us, is now conceded fully and unequivocally, there is no particular necessity for quoting the express words of the treaty, nor of arguing upon their construction.

I feel myself relieved from all necessity of resorting to any personal argument on this subject, by an appeal to the opinion of a writer, who, whatever may be his other claims to the favour or disesteem of his country, has unquestionably contended this point with equal information

## FREE BOTTOMS, FREE GOODS.

formation and ability. I mean Mr. *Charles Jenkinson*, who, in a pamphlet published by him, in the year 1757, entitled "A Discourse on the Conduct of Great Britain, in Respect to Neutral Nations," has most completely established the impolicy and injustice of this celebrated claim, and the almost unremitting pertinacity of Great Britain in refusing the admission of it,

I can advance nothing that would be in any degree either so entertaining or so instructing as Mr. *Jenkinson's* authority upon this subject, and therefore I shall quote a passage from his book, which appears to me to contain the most decisive and unanswerable objection to this part of the treaty.

" Let us now look on what has been said;  
 " the deduction which I have made, hath I  
 " fear been tedious, but the importance of  
 " the subject of force led me into it. I flatter  
 " myself however that it has appeared, that  
 " reason, authority, and practice, all join to  
 " support the cause I defend. By reason, I  
 " have endeavoured to trace out those principles on which this right of capture is ground-  
 " ed,



## FREE BOTTOMS, FREE GOODS.

“ ed, and to give that weight to my own senti-  
 “ ments, which of themselves they would not  
 “ deserve, I had added the authorities of the  
 “ ablest writers on this subject; and lastly, I  
 “ have entered largely into the conduct of nati-  
 “ ons, that I might not only lay thereby a broad-  
 “ er foundation for this right, but that I might  
 “ the more fully illustrate, by the extravagant  
 “ pretensions of other states in this respect, the  
 “ present moderation of England; no age or  
 “ country ever gave a greater extent to the  
 “ commerce of neutral nations, and we have  
 “ seen, that most in the same circumstances  
 “ have confined it within much narrower  
 “ bounds.

“ The liberty of navigation in fair con-  
 “ struction can mean no more than the right  
 “ of carrying to any port unmolested, the pro-  
 “ duce of one's own country or labour, and  
 “ bringing back the emoluments of it. But  
 “ can it be lawful, that you should extend  
 “ this right to my detriment, and when it  
 “ was meant only for your advantage, that you  
 “ should exert it in the cause of my enemy?  
 “ Each man hath a right to perform certain  
 “ actions, but if the destruction of another  
 “ should follow from them, would not this be  
 “ a just

## FREE BOTTOMS, FREE GOODS.

“ a just reason of restraint?—The rights of  
 “ mankind admit of different degrees, and  
 “ whenever two of these come into competi-  
 “ on, the lowest in the scale must always give  
 “ place to the higher.—But you will say, that  
 “ you have a profit in doing this ; if, however,  
 “ it is otherwise unjust, will that consideration  
 “ convert it into a right?—If you mean, that  
 “ your own commerce ought to be free, that  
 “ right is not in the least denied you ; but if  
 “ under this disguise you intend to convey  
 “ freedom to the commerce of the enemy,  
 “ what policy or what justice can require it?  
 “ What can neutral nations desire more than to  
 “ remain amidst the ravages of war in the same  
 “ happy circumstances which the tranquility of  
 “ peace would have afforded them? But can  
 “ any right from hence arise that you should  
 “ take occasion of the war itself to constitute  
 “ a new species of traffick, which in peace you  
 “ never enjoyed, and which the necessity of one  
 “ party is obliged to grant you, to the detri-  
 “ ment, perhaps the destruction, of the other?  
 “ —If this right was admitted, it would become  
 “ the interest of all commercial states to pro-  
 “ mote dissention among their neighbours ; the  
 “ quarrels of others would be a harvest to them-  
 “ selves,

## FREE BOTTOMS, FREE GOODS.

“ selves, and from the contentions of others  
 “ they would gather wealth and power.”

Having at an easy expence satisfied the mind of my reader, of the danger and injustice attending the admission of this right, (or if he retains a doubt on the subject, having no expedient for removing it nearly so efficacious as a reference to the equally irresistible arguments contained in the whole of Mr. Jenkinson's pamphlet) I find myself in fairness compelled to pause here, and to resist with all the energy of truth, contending on the side of innocence, an obloquy which has gone abroad with respect to Mr. Jenkinson, that he was the adviser or fabricator of the present treaty.—This is amongst the idle rumours which disgrace political attachments.—Here you behold an instance where zeal outstrips information, and where the regard for a party subdues the superior obligation which belongs to candour. In these violences I have no sympathy—let me avoid, therefore, the reproach of them.

Is it to be believed, that a man bearing a high lead in the political government of the state in which he lives, claiming, and having received the distinguished renumeration which  
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a democratic constitution laudably extends to presumed virtue, or to attested industry, wherever found, or in whatever shape of original depression they present themselves, that he should take a part in the formation of a great national contract; that he should bind the country to which he owes such obligation, to the adoption of principles which he himself has proved beyond controversy, inequitable, and out of all question injurious, and even vitally dangerous, is a supposition of monstrous and unprecedented depravity, which will not be believed even of the torturous politics of Mr. Jenkinson, but on much better authority than that which at present sustains it.—Let the reader examine the present treaty, and consult Mr. Jenkinson's pamphlet, and then let him be asked, if both be the fabrication of one hand, why the author of both was made a peer? Was it for uniform talents, or for consistency of uniform principle?—My answer is, the whole report is a calumny, and that he was totally without any participation in the disgraceful transaction of the present treaty.—Mr. J. proves farther, (to use his own words)

“ That the laws of France universally contra-  
 “ dict her Treaties; and that it was wise in  
 “ her to establish it as a general maxim of na-  
 “ tional law among other countries, and that

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“ expe-

“ experience had proved to her the use of it  
 “ in time of war.” Let Englishmen think of  
 this, and determine the propriety of Great Bri-  
 tain’s establishing this principle\*.

It cannot but be apparent to the reader, that  
 independent of the immediate disadvantages  
 which result from this treaty to distinct and spe-  
 cific interests, there may be others which, though  
 less practicable to be classed under any particu-  
 lar denomination, yet in their nature are not  
 therefore of less consequence to the community.  
 —Of each of these I shall proceed to say a few  
 words, with a brevity injurious to the importance  
 of the subject, but demanded from me by the  
 almost unavoidable length to which this discus-  
 sion has already extended.

It is to be observed, then, that though it  
 should be admitted, in direct contradiction to  
 the internal evidence of the case, that the pre-  
 sent *ad valorem* duties are not in an *equal degree*  
 a protection to the several branches of the  
 mutual trade affected by the treaty, but that  
 England is in a state of decided advantage, re-  
 sulting from the superiority of her skill, yet it  
 is clear, that the moment (and no one can  
 pretend that such a period may not some time  
 or another arrive) that France attains an equa-

\* Vide the Collection of Treaties, published by Debrett.  
 lity



lity to us in the make of her manufactures, from that period there is an end to all pretence of reciprocity in the Treaty. Because in all articles of manufacture both Countries will then stand in a situation of similar advantage, and France will have the exportation of her wines and brandies into England, for which we have no articles of native produce to reciprocate a balance in return,

That our trade with Spain and Portugal was carried on solely in British shipping, which from the superior cheapness of French freighting, cannot possibly in the very same articles, continue to be the case in future,

That even the smuggling between the two countries will be hereafter conducted in French vessels, a circumstance hitherto new and more mischievous in its consequences than some readers may be inclined to suppose it. There was this wretched solace even in the illegitimate traffick of this country, that if it injured the honest and direct trader, yet it involved in it a source of strength to our marine, an advantage no longer probable to result from it, though the practice itself be likely to prevail to a much larger, and certainly not less injurious extent.

That we have chosen the hour of weakness and depression for the introduction of innovations, ruinous to the finance, and therefore alarming to the credit of the country,—at least dangerous to our commerce, and unascertainable as to the extent of their influence upon our general policy.

That we have totally deprived ourselves of the possible faculty of making a single friend of any sort of consequence amongst all the States of Europe, because by stipulating to extend every favourable concession to France, which we may agree to bestow upon any other power, we can retain nothing in our power to give, which it can be at all worth their while to accept.

That we have treated Ireland in this new system, in some instance with an illiberal and unsisterly neglect, and in others with an undistinguishing and reprehensible indulgence.— Sometimes she is used with the weak fondness of a spoilt child, and at others with unnatural rigour, as if she were an alien to our blood. We enable her to annihilate our manufactures of iron, which are essential to us, and comparatively indifferent to her, and absolutely shut up her exportation of linen which we cannot  
make,

make, and which is above all points of trade the which is not only most congenial to Ireland, but that in which she most excels.

That the inhabitants of France are much more likely, from various causes not necessary here to enumerate, to incur large debts in England, than the inhabitants of this country in that.

That by the general constitution of the French Courts of Judicature, and by the particular embarrassments resulting from certain recent edicts, it is difficult almost to a degree of impracticability, for a foreigner of any denomination, to recover a debt there through the medium of any legal process.

That by an *Arret*, the French King can dissolve the obligations of justice, and not only release his subjects from the necessity of paying their debts, but make it even penal so to do.

That the operations of the law of England are steady and uniform,—unyielding to influence,—unbending to authority,—not to be impeded even by the powerful temptation of political advantage, but dispensing equal justice to the subjects of all countries.

That

That if a war therefore should take place between France and England, and surely it is not yet the fashion to deprecate the possibility of such a contingency, the former will have to assist them in the commencement of their hostility, the whole of that part of our capital which is invested in their hands, under the description of debts, while England must discharge her demands to them to the uttermost exactness.

That in past wars with France and with Spain, our European commerce was but little interrupted, as we could still supply the Portuguese, and through their medium had the avenues preserved to us to Spain.

That by the treaty of Friendly Alliance formed between France, Spain, and Portugal, so late as the year 1783, aided by the co-operation of the injuries offered to the latter power by the stipulations of the present treaty, Portugal is always likely in future to conspire in the views of France, and to be a party in her hostilities.

That by this means, a war with France will not only involve in it a total annihilation of our invaluable trade with Spain and Portugal; but not leave us a single port from  
the

the *Baltic* to *St. Helena*, in which our shipping can take refuge either from the enemy or from distress.

But, above all, let it adhere about the minds of Englishmen, and sink deep in their hours of serious reflection, that after effect shall be given to the present treaty, almost the whole of our European commerce will be confined to ONE CHANNEL.—If a war should arise, therefore, we shall have that to accomplish in a moment of distraction, alarm, and confusion, which is always difficult in times of the most composed tranquillity, to discover new avenues for our trade, and new resources for our revenue.

I promised to the reader on this part of my undertaking, that I should not presume so far on the liberality of a patience which I must already have exposed to a sufficient trial as to pursue the great subjects which I have here just touched upon, through all the detail of elaborate enquiry which so justly belongs to them—I shall leave it to the richer soil of his own mind, to mature these embryo sketches to the size and vigour which, with the least culture, they cannot fail to attain, content  
and



and happy, if, after much labour, much dry calculation, and much consultation of unenterprising, but authentic and necessary document, I shall have succeeded in saving one branch of manufacture, or one point of the personal privileges of my countrymen from the devastation of a measure which I sincerely look upon as uniting all the possible depravations of the human intellect,—as having been conceived in Madness, born in Folly, and sent out into the world in Ignorance!

# **F I N I S.**

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## A P P E N D I X.

*Memorial of Charles Howard, (afterwards Duke of Norfolk,) Esq; of Greystock, and Miss Frances Howard, of the family of Norfolk, in England; presented to the British ambassador at Paris, concerning a claim of theirs to the effects of a relation who died in France. Translated from the French.*

**M**R. and Miss Howard, and with them all the English nation, do, by the good offices of the ambassador, claim the execution of the XIIIth Article of the Treaty of Utrecht, and of the declaration of 1739, by both which the subjects of Great Britain are allowed to succeed to the personal estates of their relations deceased in France; in the same manner as the subjects of the most Christian King are authorised to inherit the like estates of their relations dying in England.

These laws have been executed in this particular, with the utmost exactness on the part of the English.

They can bring the most authentic proofs, and are able to maintain by a number of examples, which have happened even during the late war, that this execution has been totally in favour of the French; insomuch, that even when there was no precise law upon this point, the usage alone, which was practised in England, was sufficient to give this nation a right to exact from France a reciprocity which is founded on the right of nature and nations. It is by the favour of these different titles, that Mr. and Miss Howard presume to demand their part of a succession to the personal estate of their uncle, who died in France: and yet the Judges of the Chatelet, before whom their claim was at first carried, have not judged proper to admit it; and their sentence has been confirmed by an arret.

It was difficult to conceive what could be the motives for such singular decisions; especially if it be considered, that the succession in question was open before the late war.

Mr.

Mr. and Miss Howard were in England at the time they received the news, by a letter from their attorney. If they can believe this letter, the judges were determined against them for two powerful reasons, which were proposed by the King's advocate to the Chatelet: the one, that the treaty of Utrecht, on which they founded their claim, had not been registered in parliament: the other, that the argument does not hold good, of the French being admitted to succeed to the personal estates of their relations who die in England; because that admission is not founded, say they, on the treaty of Utrecht, but on the constitution of that kingdom, which admits to that kind of succession other foreigners, equally with French; whereas, according to the constitution of France, they cannot be allowed there but by virtue of a naturalization, or of a particular treaty, duly registered.

Although this was sufficiently refuted by the words of the treaty of Utrecht, and the declaration of 1739, which makes no distinction in the reputed quality of relations, according to which they ought to succeed; nevertheless, to set it more effectually aside, the late Mr. Simon de Mofart, who was charged with

the defence of Mr. and Miss Howard, thought proper to have it consulted in England, in order to know what was the custom there in this case. The case was at first stated in this manner :

If an Englishman born happens to die in England, without children, and intestate, and having relations born, and always residing in France, it is asked, Will they be intitled to partake the succession to the personal estate of the defunct, equally with his relations in the same degree of kindred, born and educated in England?

The answer given to this question was conceived in the following manner ;

The Council having considered, is of opinion, that in consequence of the statutes of distribution, the relations born in France have the same right to personal estates as those born in England.

This answer not having entirely satisfied the French advocate, in that it only spoke of the Statute of Distribution, and not of the Treaty of Utrecht, the execution of which was the principal



principal debate in this cause; he resumed the enquiry, and desired that the English Council would give his opinion upon the following question: it is asked,

How do they in England understand and execute the XIIIth article of the treaty of Utrecht? and if, in consequence of this treaty, a Frenchman living in France, could succeed to an Englishman, his relation, dying in England, being equally related with the English heirs of the deceased residing in England? and what are the reasons upon which the English ground their admission of the Frenchman to succeed with the others?

The following is the next answer, which was sent from England.

The usage of England is exactly agreeable to the XIIIth article of the treaty of Utrecht; the French relations being admitted to succeed, equally with English relations in the same degree of kindred, to the personal estate of an intestate dying in England. The law of England does not, in this respect, make any distinction between foreigners and natural-born subjects, and is conformed to the constitution

tution of the Emperor Frederic II. tit. 1. sect. 10. and is founded as well on natural justice, as commercial reasons.

It is to be observed, that this clear and express opinion is signed by the lord chief justice of England, by the King's advocate and attorney-general, and consequently that it has all the marks of authority that any one can desire in matters of this kind.

In short, independently of the proofs which resulted from these pieces, Mr. and Miss Howard offered farther to justify, by the registers of the courts of justice in England, a crowd of examples of successions of personal estates, which have been recovered by French people of their English relations. They cited, among others, that of Mrs. Cantillon, a French woman, actually residing at the Nouvelles Catholiques, in Paris, who having claimed, during the last war, the personal estate of Mr. John Cantillon, her nephew, who died in Ireland, in 1754, being a captain in one of his Britannic Majesty's regiments, was put into possession of the effects of this succession, by the Court of Doctors Commons, to the prejudice of his other relations; and she has received,

ceived, in consequence, 650*l.* sterling, and the remainder to be remitted to her immediately.

So many proofs accumulated, left no resource for the pretended argument of incapacity, which they had at first opposed to Mr. and Miss Howard: they waited patiently the success of their demand, till they understood, with an extreme surprise, that it had been rejected by a sentence of the Chatelet. And the affair being afterwards carried before Parliament, an arret was passed, which confirmed that sentence.

